



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H1053	4
H1054	5
HF325	6
HF326	8
HF327	11
HF328	14
HF329	17
HF330	19
HF331	21
HF332	23
HF333	27
HF334	36
HF335	44
HF336	59
HF337	64
HF338	67
HF339	72
HF340	74
HF341	77
HF342	79
HF343	82
HF344	86
HF345	92
HF346	94
HF347	99
HF348	102
HF349	104
HF350	107
HF351	109
HF352	112
HF353	117
HF354	137
HF355	139
HF356	142
HF357	144
HF358	147



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

HF359	149
HF360	152
HF361	158
HF362	164
HF363	166
HF364	171
HF365	173
HF366	177
HR21	180
HR22	182
HSB184	184
HSB185	188
HSB186	198
HSB187	201
HSB188	204
HSB189	209
HSB190	223
HSB191	231
HSB192	248
SF268	255
SF269	262
SF270	268
SF271	273
SF272	291
SF273	295
SF274	297
SF275	322
SF276	325
SF277	327
SF278	329
SJR6	332
SSB1212	335
SSB1213	345
SSB1214	347
SSB1215	356
SSB1216	359



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

SSB1217	366
SSB1218	383
SSB1219	386



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 311

H-1053

- 1 Amend House File 311 as follows:
- 2 1. Page 1, by striking line 8.

KELLEY of Jasper



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 211

H-1054

- 1 Amend House File 211 as follows:
2 1. Page 1, line 11, after <state.> by inserting
3 <"*In-state construction contract*" does not include any
4 agreement between this state and any other state.>
5 2. Page 1, after line 19 by inserting:
6 <3. Notwithstanding any contractual provision to
7 the contrary, the laws of this state shall apply to
8 every in-state construction contract.>
9 3. Page 1, line 20, by striking <3.> and inserting
10 <4.>
11 4. Page 1, after line 22 by inserting:
12 <Sec. ____ . EFFECTIVE DATE. This Act takes effect
13 January 1, 2014.>
14 5. Title page, line 2, after <law> by inserting
15 <and including effective date provisions>
16 6. By renumbering as necessary.

KAUFMANN of Cedar



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 325 - Introduced

HOUSE FILE 325

BY BEARINGER, KELLEY,
PRICHARD, HANSON, GASKILL,
THOMAS, MUHLBAUER, DUNKEL,
RUFF, STECKMAN, KRESSIG,
H. MILLER, WINCKLER,
ISENHART, HUNTER, WOOD,
OURTH, JACOBY, KEARNS, and
MAXWELL

A BILL FOR

1 An Act eliminating a restriction on a person associated with
2 a county agricultural extension district from engaging in
3 certain activities affecting legislation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2151HH (5) 85
da/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 325

1 Section 1. Section 176A.9, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. a. The extension district, its council, or a member
4 or an employee as a representative of either one or the other
5 shall not engage in commercial or other private enterprises,
6 ~~legislative programs, nor attempt in any manner by the adoption~~
7 ~~of resolutions or otherwise to influence legislation, either~~
8 ~~state or national,~~ or other activities not authorized by this
9 chapter.
10 b. Nothing in this chapter prohibits an extension district,
11 its council, or a member or an employee as described in
12 paragraph "a" from engaging in a state or federal legislative
13 program or becoming involved in the state or federal
14 legislative process.

15 EXPLANATION

16 This bill amends a provision which restricts a person
17 associated with a county agricultural extension district,
18 organized under Code chapter 176A, from engaging in certain
19 activities which involve commercial or other private
20 enterprises, legislative programs, or the influence of state or
21 federal legislation. This includes a member of the district's
22 county agricultural extension council, or an employee or
23 representative of either the council or the district.

24 The bill eliminates the restriction upon such a person from
25 engaging in a legislative program or influencing legislation
26 and replaces it with a provision which allows a person to so
27 act.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 326 - Introduced

HOUSE FILE 326
BY KAJTAZOVIC

A BILL FOR

1 An Act requiring the development of guidelines for the
2 attainment of high-performance certification applicable to
3 elementary and secondary public school buildings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2287YH (3) 85
rn/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 326

1 Section 1. NEW SECTION. 297.7A High-performance
2 certification — guidelines.

3 1. The department of education shall establish guidelines
4 for school districts to follow regarding submitting an
5 application for certification of the construction or renovation
6 of an elementary or secondary public school building to the
7 United States green building council's leadership in energy
8 and environmental design program. The guidelines shall
9 provide contact information, sample applications, examples of
10 successful construction and renovation projects undertaken by
11 other school districts in this state and the costs incurred
12 and energy savings resulting from the projects, and a list of
13 criteria for school districts to consider regarding energy
14 efficiency installations and upgrades. The guidelines shall be
15 posted on the department's internet site and updated annually.
16 2. The department shall by rule establish and publicize a
17 recognition program for school districts that achieve silver,
18 gold, or platinum certification pursuant to the energy and
19 environmental design program.

20 EXPLANATION

21 This bill requires the department of education to develop
22 guidelines for the attainment of high-performance certification
23 by the United States green building council's leadership
24 in energy and environmental design program applicable to
25 elementary and secondary public school buildings. The bill
26 states that the guidelines shall provide contact information
27 for the council, sample applications, examples of successful
28 construction and renovation projects undertaken by other
29 school districts, and a list of criteria for school districts
30 to consider regarding energy efficiency installations and
31 upgrades.

32 The bill provides that the department shall post the
33 guidelines on the department's internet site and update them on
34 an annual basis. The bill requires the department to establish
35 and publicize a recognition program for school districts that

LSB 2287YH (3) 85

-1-

rn/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 326

1 achieve specified certification levels pursuant to the energy
2 and environmental design program.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 327 - Introduced

HOUSE FILE 327

BY ANDERSON, WOLFE, STAED,
T. TAYLOR, GASKILL,
MUHLBAUER, ABDUL-SAMAD,
M. SMITH, COHOON,
LENSING, STUTSMAN,
WESSEL-KROESCHELL,
H. MILLER, KEARNS,
BEARINGER, R. OLSON,
KRESSIG, JACOBY, GAINES,
and HUNTER

(COMPANION TO 2081SS BY
PETERSEN)

A BILL FOR

1 An Act providing for training on suicide prevention and
2 trauma-informed care for school personnel.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2081HH (2) 85
je/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 327

1 Section 1. Section 256.9, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 63. In coordination with the department
4 of public health, convene and facilitate an advisory group for
5 the purpose of selecting qualified programs for the training
6 of school personnel on suicide prevention and trauma-informed
7 care as required by section 272.2, subsection 19. The advisory
8 group shall be comprised of stakeholders, including but not
9 limited to mental health professionals, school administrators,
10 and guidance counselors.

11 Sec. 2. Section 272.2, Code 2013, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 19. Adopt rules requiring individuals
14 applying for renewal of a license, certificate, authorization,
15 or statement of recognition issued by the board who provide
16 a service to students from grades six through twelve to
17 undergo two hours of training on suicide prevention and
18 trauma-informed care prior to each renewal. For purposes of
19 this subsection, "*trauma-informed care*" means services that are
20 based on an understanding of the vulnerabilities and triggers
21 of individuals who have experienced trauma, recognize the role
22 trauma has played in the lives of those individuals, recognize
23 the presence of trauma symptoms and their onset, are supportive
24 of trauma recovery, and avoid further traumatization.

25 EXPLANATION

26 This bill requires the board of educational examiners
27 to adopt rules requiring individuals applying for renewal
28 of a license, certificate, authorization, or statement of
29 recognition issued by the board who provide a service to
30 students from grades six through 12 to undergo two hours
31 of training on suicide prevention and trauma-informed care
32 prior to each renewal. The requirement applies each time an
33 individual seeks renewal.

34 The bill requires the director of the department of
35 education, in coordination with the department of public

LSB 2081HH (2) 85

-1-

je/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 327

1 health, to convene and facilitate an advisory group for the
2 purpose of selecting qualified programs for the training
3 required by the bill. The advisory group is to be comprised
4 of stakeholders, including but not limited to mental health
5 professionals, school administrators, and school guidance
6 counselors.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 328 - Introduced

HOUSE FILE 328

BY BEARINGER, PRICHARD, RUFF,
KEARNS, STECKMAN, MURPHY,
BERRY, GASKILL, HANSON,
MASCHER, ABDUL-SAMAD, WOOD,
and KAJTAZOVIC

A BILL FOR

1 An Act relating to city attorneys and part-time county
2 attorneys and conflicts of interest.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2058HH (10) 85
tm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 328

1 Section 1. NEW SECTION. 331.752A Part-time attorney —
2 conflicts of interest.

3 1. On a form created and provided by the judicial branch,
4 a part-time county attorney shall disclose all conflicts the
5 attorney has between interests or matters of the county and
6 those of the other clients of the attorney. The disclosure
7 shall be filed on an annual basis. Upon disclosure of a
8 conflict, the attorney shall withdraw from representation of
9 the county regarding the matter in which the conflict exists
10 unless written consent is received from the attorney's client
11 and the board of supervisors adopts a resolution describing the
12 conflict, generally, and giving consent to representation on
13 the matter.

14 2. A conflict exists when any of the following occurs:

15 a. The representation of the county will be directly adverse
16 to another client.

17 b. There is significant risk that the representation of one
18 or more clients will be materially limited by the attorney's
19 responsibilities to the county, any other client, a former
20 client, or a third person or by a personal interest of the
21 attorney.

22 3. For purposes of this section, "*personal interest of the*
23 *attorney*" includes service by the attorney on the board of an
24 organization or entity.

25 Sec. 2. NEW SECTION. 364.26 City attorney — conflicts of
26 interest.

27 1. On a form created and provided by the judicial branch, an
28 attorney representing a city shall disclose all conflicts the
29 attorney has between interests or matters of the city and those
30 of the other clients of the attorney. The disclosure shall
31 be filed on an annual basis. Upon disclosure of a conflict,
32 the attorney shall withdraw from representation of the city
33 regarding the matter in which the conflict exists unless
34 written consent is received from the attorney's client and
35 the city council adopts a resolution describing the conflict,

LSB 2058HH (10) 85

-1-

tm/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 328

1 generally, and giving consent to representation on the matter.

2 2. A conflict exists when any of the following occurs:

3 a. The representation of the city will be directly adverse
4 to another client.

5 b. There is significant risk that the representation of one
6 or more clients will be materially limited by the attorney's
7 responsibilities to the city, any other client, a former
8 client, or a third person or by a personal interest of the
9 attorney.

10 3. For purposes of this section, "*personal interest of the*
11 *attorney*" includes service by the attorney on the board of an
12 organization or entity.

13 EXPLANATION

14 This bill relates to city attorneys and part-time county
15 attorneys and conflicts of interest.

16 The bill requires an attorney representing a city or a
17 part-time county attorney to disclose all conflicts the
18 attorney has between the interests or matters of the city
19 or county, as applicable, and those of other clients of the
20 attorney. The bill requires the disclosure on an annual basis
21 on forms created and provided by the judicial branch. The bill
22 requires a city attorney or a part-time county attorney with
23 a conflict of interest to withdraw from representation of the
24 city or county, as applicable, regarding the matter in which
25 the conflict exists unless written consent is received from
26 the attorney's client and the city council or county board of
27 supervisors, as applicable, adopts a resolution describing the
28 conflict and giving consent to representation on the matter.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 329 - Introduced

HOUSE FILE 329

BY ANDERSON, ABDUL-SAMAD,
KAJTAZOVIC, STAED,
T. TAYLOR, GASKILL,
MUHLBAUER, M. SMITH,
WINCKLER, LUNDBY,
LENSING, STUTSMAN,
WESSEL-KROESCHELL,
BEARINGER, HEDDENS,
KRESSIG, JACOBY, GAINES,
and HUNTER

(COMPANION TO SF 163 BY
BOLKCOM)

A BILL FOR

1 An Act relating to an assault that occurs between persons in
2 an intimate relationship and the crime of domestic abuse
3 assault and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2166HH (4) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 329

1 Section 1. Section 708.2A, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. For the purposes of this chapter, "*domestic abuse*
4 *assault*" means an assault, as defined in section 708.1, which
5 is domestic abuse as defined in section 236.2, subsection 2,
6 paragraph "a", "b", "c", ~~or~~ "d", or "e".

7 EXPLANATION

8 This bill relates to an assault that occurs between persons
9 in an intimate relationship and the crime of domestic abuse
10 assault.

11 The bill includes an assault, as defined in Code section
12 708.1, that occurs between persons who are in an intimate
13 relationship or who have been in an intimate relationship and
14 who have had contact within the past year of the assault,
15 in the definition of domestic abuse assault pursuant to Code
16 section 708.2A. In determining whether persons are or have
17 been in an intimate relationship, the court may consider the
18 duration of the relationship, the frequency of interaction,
19 whether the relationship has been terminated, and the nature of
20 the relationship, characterized by either party's expectation
21 of sexual or romantic involvement.

22 A person who commits domestic abuse assault commits a simple
23 misdemeanor, a serious misdemeanor, an aggravated misdemeanor,
24 or a class "D" felony depending upon the circumstances
25 involved in the offense. A simple misdemeanor is punishable
26 by confinement for no more than 30 days or a fine of at least
27 \$65 but not more than \$625 or by both; a serious misdemeanor
28 is punishable by confinement for no more than one year and a
29 fine of at least \$315 but not more than \$1,875; an aggravated
30 misdemeanor is punishable by confinement for no more than two
31 years and a fine of at least \$625 but not more than \$6,250; and
32 a class "D" felony is punishable by confinement for no more
33 than five years and a fine of at least \$750 but not more than
34 \$7,500.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 330 - Introduced

HOUSE FILE 330
BY BERRY

A BILL FOR

1 An Act concerning alcoholic beverage control by prohibiting
2 liquor control, wine, or beer licensees or permittees from
3 knowingly permitting or engaging in criminal activity in
4 areas adjacent to the licensed premises and making penalties
5 applicable.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2445YH (3) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 330

1 Section 1. Section 123.49, subsection 2, paragraph j, Code
2 2013, is amended to read as follows:

3 j. Knowingly permit or engage in any criminal activity
4 on the premises covered by the license or permit. However,
5 the absence of security personnel on the licensed premises
6 is insufficient, without additional evidence, to prove that
7 criminal activity occurring on the licensed premises was
8 knowingly permitted in violation of this paragraph "j". For
9 purposes of this paragraph "j", "premises" includes parking
10 lots and areas adjacent to the premises of a liquor licensee
11 or permittee ~~authorized to sell alcoholic beverages for~~
12 ~~consumption on the licensed premises~~ and used by patrons of the
13 liquor licensee or permittee.

14 EXPLANATION

15 This bill provides that a person or club holding a liquor
16 control license or retail wine or beer permit shall not
17 knowingly permit or engage in criminal activity in parking
18 lots and areas adjacent to the licensed premises that are used
19 by patrons of the liquor licensee or permittee. Current law
20 limits this prohibition to criminal activity in parking lots
21 and areas adjacent only to liquor licensees or permittees
22 authorized to sell alcohol for consumption on the licensed
23 premises. A person who violates this new provision shall
24 be subject to licensing sanctions and is guilty of a simple
25 misdemeanor pursuant to Code section 123.50. A simple
26 misdemeanor is punishable by confinement for no more than 30
27 days or a fine of at least \$65 but not more than \$625 or by
28 both.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 331 - Introduced

HOUSE FILE 331
BY BERRY

A BILL FOR

1 An Act relating to the effect of a revocation of a liquor
2 control license, wine permit, or beer permit.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2430YH (2) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 331

1 Section 1. Section 123.40, Code 2013, is amended to read as
2 follows:

3 **123.40 Effect of revocation.**

4 Any liquor control licensee, wine permittee, or beer
5 permittee whose license or permit is revoked under this chapter
6 shall not thereafter be permitted to hold a liquor control
7 license, wine permit, or beer permit in the state of Iowa for a
8 period of two years from the date of revocation. A spouse or
9 business associate holding ten percent or more of the capital
10 stock or ownership interest in the business of a person whose
11 license or permit has been revoked shall not be issued a liquor
12 control license, wine permit, or beer permit, and no liquor
13 control license, wine permit, or beer permit shall be issued
14 which covers any business in which such person has a financial
15 interest for a period of two years from the date of revocation.
16 If a license or permit is revoked, the premises which had been
17 covered by the license or permit shall not be relicensed for
18 ~~one year~~ three years.

19 EXPLANATION

20 This bill provides that the premises which had been covered
21 by a liquor control license, wine permit, or beer permit that
22 was revoked shall not be relicensed for three years. Current
23 law provides that the premises can be relicensed after one
24 year.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 332 - Introduced

HOUSE FILE 332

BY MOORE

(COMPANION TO SF 28 BY
COURTNEY)

A BILL FOR

1 An Act concerning persons voluntarily excluded from gambling
2 facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1127YH (1) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 332

1 Section 1. Section 99D.7, subsection 23, Code 2013, is
2 amended to read as follows:

3 23. To require licensees to establish a process to allow
4 a person to be voluntarily excluded ~~for life~~ from a racetrack
5 enclosure and all other licensed facilities under this chapter
6 and chapter 99F as provided in this subsection. The process
7 shall provide that an initial request by a person to be
8 voluntarily excluded shall be for a period of five years or
9 life and a subsequent request following the five-year period
10 shall be for a period of five years or life. A request by
11 a person to be voluntarily excluded following the second
12 five-year period shall be for life. The process established
13 shall also require that a licensee disseminate information
14 regarding persons voluntarily excluded to all licensees under
15 this chapter and chapter 99F. The state and any licensee under
16 this chapter or chapter 99F shall not be liable to any person
17 for any claim which may arise from this process. In addition
18 to any other penalty provided by law, any money or thing of
19 value that has been obtained by, or is owed to, a voluntarily
20 excluded person by a licensee as a result of wagers made by the
21 person after the person has been voluntarily excluded shall not
22 be paid to the person but shall be credited to the general fund
23 of the state.

24 Sec. 2. Section 99F.4, subsection 22, Code 2013, is amended
25 to read as follows:

26 22. To require licensees to establish a process to allow a
27 person to be voluntarily excluded ~~for life~~ from an excursion
28 gambling boat and all other licensed facilities under this
29 chapter and chapter 99D as provided in this subsection. The
30 process shall provide that an initial request by a person to
31 be voluntarily excluded shall be for a period of five years
32 or life and a subsequent request following the five-year
33 period shall be for a period of five years or life. A request
34 by a person to be voluntarily excluded following the second
35 five-year period shall be for life. The process established

LSB 1127YH (1) 85
ec/nh

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 332

1 shall also require that a licensee disseminate information
2 regarding persons voluntarily excluded to all licensees under
3 this chapter and chapter 99D. The state and any licensee under
4 this chapter or chapter 99D shall not be liable to any person
5 for any claim which may arise from this process. In addition
6 to any other penalty provided by law, any money or thing of
7 value that has been obtained by, or is owed to, a voluntarily
8 excluded person by a licensee as a result of wagers made by the
9 person after the person has been voluntarily excluded shall not
10 be paid to the person but shall be credited to the general fund
11 of the state.

12 Sec. 3. GAMBLING SELF-EXCLUSION — REAPPLICATION.

13 1. A person who has been voluntarily excluded for life
14 from a racetrack enclosure, an excursion gambling boat, and
15 all other licensed facilities under Code chapters 99D and 99F
16 pursuant to the process established in Code sections 99D.7 and
17 99F.4 prior to the effective date of this Act may reapply to
18 the licensed facilities to revoke the exclusion, pursuant to a
19 process established by the licensed facilities in accordance
20 with the requirements of the racing and gaming commission. A
21 person may reapply to revoke the voluntary exclusion only if
22 the person has been voluntarily excluded for a period of at
23 least five years.

24 2. Following a revocation of a voluntary exclusion
25 as provided by this section, a subsequent request to be
26 voluntarily excluded shall be as provided for a subsequent
27 request pursuant to the process described in Code sections
28 99D.7 and 99F.4, as amended by this Act.

29 EXPLANATION

30 This bill concerns the process by which a person can be
31 voluntarily excluded from a racetrack enclosure under Code
32 chapter 99D and from an excursion gambling boat and all other
33 licensed facilities under Code chapter 99F.

34 The bill provides that an initial request to be voluntarily
35 excluded shall be for a period of five years or for life and a

LSB 1127YH (1) 85
ec/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 332

1 subsequent request by that person after the five-year period
2 shall be for five years or life. The bill further provides
3 that a request following the second five-year exclusion
4 period shall be for life. Under current law, a request to be
5 voluntarily excluded is for life.

6 The bill also provides that for a person who has been
7 voluntarily excluded for life from a gambling facility prior to
8 the effective date of the bill, the person may reapply to have
9 the exclusion revoked if the person has been excluded for at
10 least five years. The bill provides that if a person revokes
11 their exclusion, a subsequent request for exclusion shall be as
12 otherwise provided in the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 333 - Introduced

HOUSE FILE 333
BY SCHULTZ

A BILL FOR

1 An Act reducing scheduled fines related to motor vehicles and
2 transportation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2181YH (3) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 333

1 Section 1. Section 805.8A, Code 2013, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **805.8A Motor vehicle and transportation scheduled violations.**

4 1. *Parking violations.*

5 a. For parking violations under sections 321.236, 321.239,
6 321.358, 321.360, and 321.361, the scheduled fine is five
7 dollars, except if the local authority has established the
8 fine by ordinance. The scheduled fine for a parking violation
9 pursuant to section 321.236 increases by five dollars if
10 authorized by ordinance and if the parking violation is not
11 paid within thirty days of the date upon which the violation
12 occurred. For purposes of calculating the unsecured appearance
13 bond required under section 805.6, the scheduled fine shall
14 be five dollars, or if the amount of the fine is greater than
15 five dollars, the unsecured appearance bond shall be the amount
16 of the fine established by the local authority. However,
17 violations charged by a city or county upon simple notice of a
18 fine instead of a uniform citation and complaint required by
19 section 321.236, subsection 1, paragraph "b", are not scheduled
20 violations, and this section shall not apply to any offense
21 charged in that manner. For a parking violation under section
22 321.362 or 461A.38, the scheduled fine is ten dollars.

23 b. For a parking violation under section 321L.2A, subsection
24 2, the scheduled fine is twenty dollars.

25 c. For violations under section 321L.2A, subsection 3,
26 sections 321L.3, 321L.4, subsection 2, and section 321L.7, the
27 scheduled fine is one hundred dollars.

28 2. *Title or registration violations.*

29 a. For violations under sections 321.32, 321.34, 321.37,
30 321.38, and 321.41, the scheduled fine is ten dollars.

31 b. For violations under sections 321.17, 321.47, 321.55,
32 321.98, 321.115, and 321.115A, the scheduled fine is thirty
33 dollars.

34 c. For violations under sections 321.25, 321.45, 321.46,
35 321.48, 321.52, 321.57, 321.62, 321.67, and 321.104, the

LSB 2181YH (3) 85

-1-

jm/rj

1/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 333

1 scheduled fine is fifty dollars.
2 *d.* For a violation under section 321.99, the scheduled fine
3 is one hundred dollars.
4 3. *Equipment violations.*
5 *a.* For violations under sections 321.317, 321.386, 321.387,
6 321.388, 321.389, 321.390, 321.392, 321.393, 321.422, 321.432,
7 321.436, 321.439, 321.440, 321.441, 321.442, and 321.444, the
8 scheduled fine is ten dollars.
9 *b.* For violations under sections 321.382, 321.404A, and
10 321.438, the scheduled fine is fifteen dollars.
11 *c.* For violations of sections 321.383, 321.384, 321.385,
12 321.398, 321.402, 321.403, 321.404, 321.409, 321.415, 321.419,
13 321.420, 321.421, 321.423, and 321.433, the scheduled fine is
14 twenty dollars.
15 *d.* For a violation of section 321.430, the scheduled fine
16 is thirty-five dollars.
17 *e.* For violations under sections 321.234A, 321.247, 321.381,
18 and 321.381A, the scheduled fine is fifty dollars.
19 4. *Driver's license violations.*
20 *a.* For violations under sections 321.174A, 321.180,
21 321.180B, 321.193, and 321.194, the scheduled fine is thirty
22 dollars.
23 *b.* For a violation of section 321.216, the scheduled fine
24 is seventy-five dollars.
25 *c.* For violations under sections 321.174, 321.216B,
26 321.216C, 321.219, and 321.220, the scheduled fine is one
27 hundred dollars.
28 *d.* For violations under section 321.178, subsection 2,
29 paragraph "a", subparagraph (2), the scheduled fine is thirty
30 dollars.
31 5. *Speed violations.*
32 *a.* For excessive speed violations in excess of the limit
33 under section 321.236, subsections 5 and 11, sections 321.285,
34 and 461A.36, the scheduled fine shall be the following:
35 (1) Ten dollars for speed not more than five miles per hour

LSB 2181YH (3) 85

-2-

jm/rj

2/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 333

1 in excess of the limit.

2 (2) Twenty dollars for speed greater than five but not more
3 than ten miles per hour in excess of the limit.

4 (3) Thirty dollars for speed greater than ten but not more
5 than fifteen miles per hour in excess of the limit.

6 (4) Forty dollars for speed greater than fifteen but not
7 more than twenty miles per hour in excess of the limit.

8 (5) Forty dollars plus two dollars for each mile per hour of
9 excessive speed over twenty miles per hour over the limit.

10 *b.* Notwithstanding paragraph "a", for excessive speed
11 violations in speed zones greater than fifty-five miles per
12 hour, the scheduled fine shall be:

13 (1) Twenty dollars for speed not more than five miles per
14 hour in excess of the limit.

15 (2) Forty dollars for speed greater than five but not more
16 than ten miles per hour in excess of the limit.

17 (3) Sixty dollars for speed greater than ten but not more
18 than fifteen miles per hour in excess of the limit.

19 (4) Eighty dollars for speed greater than fifteen but not
20 more than twenty miles per hour in excess of the limit.

21 (5) Ninety dollars plus five dollars for each mile per hour
22 of excessive speed over twenty miles per hour over the limit.

23 *c.* Excessive speed in whatever amount by a school bus is
24 not a scheduled violation under any section listed in this
25 subsection.

26 *d.* Excessive speed in conjunction with a violation of
27 section 321.278 is not a scheduled violation, whatever the
28 amount of excess speed.

29 *e.* For a violation under section 321.295, the scheduled fine
30 is thirty dollars.

31 *6. Operating violations.*

32 *a.* For a violation under section 321.236, subsections 3, 4,
33 9, and 12, the scheduled fine is twenty dollars.

34 *b.* For violations under section 321.275, subsections 1
35 through 7, sections 321.277A, 321.315, 321.316, 321.318,

LSB 2181YH (3) 85

-3-

jm/rj

3/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 333

1 321.363, and 321.365, the scheduled fine is twenty-five
2 dollars.

3 *c.* For violations under sections 321.288, 321.297, 321.299,
4 321.303, 321.304, subsections 1 and 2, sections 321.305,
5 321.306, 321.311, 321.312, 321.314, 321.323, 321.340, 321.353,
6 321.354, and 321.395, the scheduled fine is thirty-five
7 dollars.

8 *d.* For violations under sections 321.302 and 321.366, the
9 scheduled fine is fifty dollars.

10 7. *Failure to yield or obey violations.*

11 *a.* For a violation by an operator of a motor vehicle
12 under section 321.257, subsection 2, the scheduled fine is
13 thirty-five dollars.

14 *b.* For violations under sections 321.298, 321.307, 321.308,
15 321.313, 321.319, 321.320, 321.321, 321.327, 321.329, and
16 321.333, the scheduled fine is thirty-five dollars.

17 8. *Traffic sign or signal violations.* For violations
18 under section 321.236, subsections 2 and 6, sections 321.256,
19 321.294, 321.304, subsection 3, and section 321.322, the
20 scheduled fine is thirty-five dollars.

21 9. *Bicycle or pedestrian violations.* For violations by a
22 pedestrian or a bicyclist under section 321.234, subsections
23 3 and 4, section 321.236, subsection 10, section 321.257,
24 subsection 2, section 321.275, subsection 8, section 321.325,
25 321.326, 321.328, 321.331, 321.332, 321.397, or 321.434, the
26 scheduled fine is fifteen dollars.

27 9A. *Electric personal assistive mobility device*
28 *violations.* For violations under section 321.235A, the
29 scheduled fine is fifteen dollars.

30 10. *School bus violations.* For violations by an operator of
31 a school bus under sections 321.285 and 321.372, subsections
32 1 and 2, the scheduled fine is one hundred dollars. However,
33 an excessive speed violation by a school bus of more than
34 ten miles per hour in excess of the limit is not a scheduled
35 violation.

LSB 2181YH (3) 85

-4-

jm/rj

4/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 333

1 11. *Emergency vehicle violations.*

2 a. For violations under sections 321.231, 321.367, and
3 321.368, the scheduled fine is thirty-five dollars.

4 b. For a violation under section 321.323A or 321.324, the
5 scheduled fine is fifty dollars.

6 12. *Restrictions on vehicles.*

7 a. For violations under sections 321.309, 321.310, 321.394,
8 321.461, and 321.462, the scheduled fine is twenty-five
9 dollars.

10 b. For violations under section 321.437, the scheduled fine
11 is twenty-five dollars.

12 c. For height, length, width, and load violations under
13 sections 321.454, 321.455, 321.456, 321.457, and 321.458, the
14 scheduled fine is one hundred dollars.

15 d. For violations under section 321.466, the scheduled fine
16 is twenty dollars for each two thousand pounds or fraction
17 thereof of overweight.

18 e. (1) Violations of the schedule of axle and tandem axle
19 and gross or group of axle weight violations in section 321.463
20 shall be scheduled violations subject to the provisions,
21 procedures, and exceptions contained in sections 805.6 through
22 805.11, irrespective of the amount of the fine under that
23 schedule.

24 (a) Violations of the schedule of weight violations shall be
25 chargeable, where the fine charged does not exceed one thousand
26 dollars, only by uniform citation and complaint.

27 (b) Violations of the schedule of weight violations, where
28 the fine charged exceeds one thousand dollars shall, when the
29 violation is admitted and section 805.9 applies, be chargeable
30 upon uniform citation and complaint, indictment, or county
31 attorney's information, but otherwise shall be chargeable only
32 upon indictment or county attorney's information.

33 (2) In all cases of charges under the schedule of weight
34 violations, the charge shall specify the amount of fine charged
35 under the schedule. Where a defendant is convicted and the

LSB 2181YH (3) 85

-5-

jm/rj

5/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 333

1 fine under the foregoing schedule of weight violations exceeds
2 one thousand dollars, the conviction shall be of an indictable
3 offense although section 805.9 is employed and whether the
4 violation is charged upon uniform citation and complaint,
5 indictment, or county attorney's information.

6 *f.* For a violation under section 321E.16, other than the
7 provisions relating to weight, the scheduled fine is one
8 hundred dollars.

9 13. *Motor carrier violations.*

10 *a.* For violations under sections 321.54, 326.22, and 326.23,
11 the scheduled fine is twenty dollars.

12 *b.* For a violation under section 321.449, the scheduled fine
13 is twenty-five dollars.

14 *c.* For violations under sections 321.364, 321.450, 321.460,
15 and 452A.52, the scheduled fine is one hundred dollars.

16 *d.* For violations of section 325A.3, subsection 5, or
17 section 325A.8, the scheduled fine is fifty dollars.

18 *e.* For violations of chapter 325A, other than a violation of
19 section 325A.3, subsection 5, or section 325A.8, the scheduled
20 fine is two hundred fifty dollars.

21 *f.* For violations of section 327B.1, subsection 1 or 3, the
22 scheduled fine is two hundred fifty dollars.

23 14. *Miscellaneous violations.*

24 *a. Failure to obey a peace officer.* For a violation under
25 section 321.229, the scheduled fine is thirty-five dollars.

26 *b. Abandoning a motor vehicle.* For a violation under
27 section 321.91, the scheduled fine is one hundred dollars.

28 *c. Seat belt or restraint violations.* For violations under
29 sections 321.445 and 321.446, the scheduled fine is twenty-five
30 dollars.

31 *d. Litter and debris violations.* For violations under
32 sections 321.369 and 321.370, the scheduled fine is seventy
33 dollars.

34 *e. Open container violations.* For violations under sections
35 321.284 and 321.284A, the scheduled fine is one hundred

LSB 2181YH (3) 85

-6-

jm/rj

6/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 333

1 dollars.

2 *f. Proof of financial responsibility.* If, in connection with
3 a motor vehicle accident, a person is charged and found guilty
4 of a violation of section 321.20B, subsection 1, the scheduled
5 fine is five hundred dollars; otherwise, the scheduled fine for
6 a violation of section 321.20B, subsection 1, is two hundred
7 fifty dollars. Notwithstanding section 805.12, fines collected
8 pursuant to this paragraph shall be submitted to the state
9 court administrator and distributed fifty percent to the victim
10 compensation fund established in section 915.94, twenty-five
11 percent to the county in which such fine is imposed, and
12 twenty-five percent to the general fund of the state.

13 *g. Radar-jamming devices.* For a violation under section
14 321.232, the scheduled fine is fifty dollars.

15 *h. Railroad crossing violations.*

16 (1) For violations under sections 321.341, 321.342,
17 321.343, and 321.344, the scheduled fine is one hundred
18 dollars.

19 (2) For a violation under section 321.344B, the scheduled
20 fine is two hundred dollars.

21 *i. Road work zone violations.* The scheduled fine for any
22 moving traffic violation under chapter 321, as provided in
23 this section, shall be doubled if the violation occurs within
24 any road work zone, as defined in section 321.1. However,
25 notwithstanding subsection 5, the scheduled fine for violating
26 the speed limit in a road work zone is as follows:

27 (1) One hundred fifty dollars for speed not more than ten
28 miles per hour over the posted speed limit.

29 (2) Three hundred dollars for speed greater than ten but not
30 more than twenty miles per hour over the posted speed limit.

31 (3) Five hundred dollars for speed greater than twenty but
32 not more than twenty-five miles per hour over the posted speed
33 limit.

34 (4) One thousand dollars for speed greater than twenty-five
35 miles per hour over the posted speed limit.

LSB 2181YH (3) 85

-7-

jm/rj

7/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 333

1 *j. Vehicle component parts records violations.* For
2 violations under section 321.95, the scheduled fine is fifty
3 dollars.

4 *k. Actions against a person on a bicycle.* For violations
5 under section 321.281, the scheduled fine is two hundred fifty
6 dollars.

7 *l. Text messaging while driving violations.* For violations
8 under section 321.276, the scheduled fine is thirty dollars.

9 EXPLANATION

10 This bill restores the scheduled fine amounts to the amounts
11 established prior to the enactment of 2010 Iowa Acts, chapter
12 1190 (SF 2378) which increased the fines.

13 The bill strikes a duplicative fine amount for a violation
14 of Code section 321.437 (mirrors) that existed prior to the
15 enactment of Senate File 2378, and establishes the fine at \$25.

16 The bill also adds the following scheduled violations
17 and fines enacted during the 2010 legislative session: \$30
18 scheduled fine for use of an electronic communication device
19 while on a restricted license (Code section 321.178), \$30
20 scheduled fine for text messaging while driving (Code section
21 321.276), and a \$250 scheduled fine for actions against a
22 person on a bicycle (Code section 321.281).

23 The bill does not modify the changes made during the 2011
24 and 2012 legislative sessions to Code section 805.8A(13)(f)
25 which relate to carriers operating an interstate transportation
26 service for compensation upon the highways of this state.

27 The bill also does not modify the changes made during the
28 2012 legislative session to Code section 805.8A(10) relating to
29 school bus safety.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 334 - Introduced

HOUSE FILE 334
BY ROGERS

A BILL FOR

1 An Act concerning the use of automated traffic enforcement
2 systems on primary roads.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2085YH (6) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 334

1 Section 1. Section 321.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 95. *"Automated traffic enforcement system"*
4 means a system that operates in conjunction with an official
5 traffic-control signal, as described in section 321.257,
6 to photographically record a vehicle being driven into an
7 intersection in violation of the official traffic-control
8 signal, and is designed to obtain a photograph of a vehicle's
9 license plate. *"Automated traffic enforcement system"*
10 also means a system that operates in conjunction with a
11 speed-measuring device to photographically record a vehicle
12 being driven at a prohibited rate of speed, and is designed to
13 obtain a photograph of the vehicle's license plate.

14 Sec. 2. NEW SECTION. 321.240 **Automated enforcement on**
15 **primary roads.**

16 1. *Definitions.* As used in this section:

17 a. *"Automated enforcement"* refers to the use of automated
18 traffic enforcement systems for enforcement of laws regulating
19 vehicular traffic.

20 b. *"High-crash location"* means a location with a greater
21 than average frequency or higher than average rate of motor
22 vehicle collisions, as identified using traffic safety data.

23 c. *"High-risk location"* means a location where the safety of
24 law enforcement officers or other persons would be at a greater
25 risk if conventional traffic enforcement methods were used
26 instead of automated enforcement, as identified using traffic
27 safety data.

28 2. *Mobile systems prohibited.* On or after July 1, 2013, a
29 local authority shall not locate or operate a mobile automated
30 traffic enforcement system on a primary road.

31 3. *Permit — justification reports.* On or after July
32 1, 2013, a local authority shall obtain a permit from the
33 department before installing a stationary automated traffic
34 enforcement system on a road in the primary road system,
35 including a municipal extension of a primary road. The

LSB 2085YH (6) 85
dea/nh

-1-

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 334

1 application for a permit shall be made to the district engineer
2 of the department for the district in which the local authority
3 is located in a manner determined by the department. The
4 application shall include a justification report providing
5 information relating to the proposed location for the
6 installation of an automated traffic enforcement system and
7 supporting evidence of the need for automated enforcement at
8 the identified location.

9 a. To qualify for a permit for the use of automated
10 enforcement on a primary road, an identified location must be a
11 high-crash location or a high-risk location that is one or more
12 of the following:

13 (1) An area where conventional enforcement is unsafe,
14 ineffective, or unable to adequately address traffic safety
15 needs.

16 (2) An area or intersection with a significant history of
17 accidents which can be attributed to traffic-control signal
18 violations or speeding.

19 (3) An intersection with a significant history of
20 traffic-control signal violations.

21 (4) A school zone.

22 (5) A road work zone.

23 (6) A location where operational issues create significant
24 problems and automated enforcement can help manage a more
25 orderly flow of traffic.

26 b. A justification report shall contain supporting data
27 used to identify the primary causes of traffic problems at a
28 location and potential countermeasures. Supporting data shall
29 include but not be limited to documentation of all of the
30 following, as applicable:

31 (1) Existing traffic speeds.

32 (2) Posted speed limits near the location.

33 (3) Locations of speed limit signs.

34 (4) Traffic volume.

35 (5) Intersection geometry.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 334

1 (6) The number and type of motor vehicle violations
2 occurring at the location.
3 (7) Accident history for the location.
4 (8) Law enforcement measures already taken to address
5 problems at the location.
6 (9) Public education efforts undertaken.
7 *c.* A justification report shall document what engineering
8 and enforcement solutions have been implemented and why
9 additional countermeasures should not be considered or would
10 not be effective. The department shall not issue a permit
11 for the use of automated enforcement at a location unless
12 the department is satisfied that appropriate engineering and
13 enforcement solutions have been explored and implemented.
14 *d.* A justification report shall document any discussions the
15 local authority has had and any actions taken with partnering
16 agencies that have resources to aid in the reduction of
17 accidents at the identified location.
18 *e.* A justification report shall include certification from
19 the local authority that the existing speed limits and the
20 timing of traffic-control signals are appropriate and were
21 established according to accepted standards.
22 4. *Requirements for use of automated enforcement on primary*
23 *roads.*
24 *a.* A local authority that uses automated enforcement on a
25 primary road shall employ all of the following communication
26 strategies:
27 (1) Publish information identifying the location of each
28 automated traffic enforcement system used on a primary road by
29 the local authority. The information shall be published on a
30 public internet site sponsored by the local authority, and the
31 local authority shall communicate the location of the internet
32 site to the public and the local news media.
33 (2) The local authority shall provide at least three weeks'
34 notice to the public of a new location on a primary road where
35 an automated traffic enforcement system will be installed prior



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 334

1 to installation. Such notice shall be provided on the local
2 authority's internet site and by publication once each week
3 for three successive weeks in an official newspaper of the
4 county in which the automated traffic enforcement system will
5 be located.

6 (3) Only warning citations shall be issued for violations
7 detected by an automated traffic enforcement system on a
8 primary road during the thirty-day period immediately after the
9 automated traffic enforcement system becomes operational.

10 b. A local authority using automated enforcement shall
11 provide the following signage, which shall be in accordance
12 with the current manual on uniform traffic-control devices
13 adopted by the department:

14 (1) Permanent signs shall be posted on all primary roads
15 entering a municipality that uses automated enforcement on a
16 primary road.

17 (2) Signs shall be posted in advance of each location on a
18 primary road where an automated traffic enforcement system is
19 in use.

20 5. *Annual evaluation.* A local authority that uses automated
21 enforcement on primary roads shall annually evaluate the
22 effectiveness of the automated traffic enforcement systems.
23 The local authority shall submit a report to the department's
24 office of traffic and safety on or before April 15 each year
25 following a full calendar year of automated traffic enforcement
26 system operation. The report shall be based on performance
27 for the previous calendar year, and shall include but not be
28 limited to the following:

29 a. Information addressing the impact of automated
30 enforcement on reducing vehicle speed or the number of
31 traffic-control signal violations at sites on primary roads
32 monitored by automated traffic enforcement systems.

33 b. The number and types of collisions at sites on primary
34 roads monitored by automated traffic enforcement systems,
35 including comparison data for previous years. For automated

LSB 2085YH (6) 85
dea/nh

-4-

4/7



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013**

H.F. 334

1 enforcement at intersections, only the monitored approaches are
2 required to be included in the evaluation.

3 c. The total number of citations issued, fines assessed,
4 fines collected, costs incurred by the local authority to
5 operate and manage the automated traffic enforcement systems,
6 and any fees paid to vendors.

7 6. *Continued monitoring by department.* The department shall
8 use information collected from annual reports submitted by
9 local authorities to evaluate the continued need for automated
10 enforcement at each location identified in the reports. The
11 department may require removal or modification of an automated
12 traffic enforcement system at any location on a primary road
13 if the department determines that continued use of automated
14 enforcement at the location is no longer justified or that a
15 local authority is not providing proper administration of the
16 system.

17 7. *Administrative rules.* The department may adopt rules as
18 necessary to implement this section.

EXPLANATION

20 This bill provides for the regulation of the use of automated
21 traffic enforcement systems on primary roads.

22 The bill defines "automated enforcement" as the use of
23 automated traffic enforcement systems for enforcement of laws
24 regulating vehicular traffic. "Automated traffic enforcement
25 system" is defined as a system that operates in conjunction
26 with an official traffic-control signal or speed-measuring
27 device to photographically record a vehicle being driven into
28 an intersection in violation of the official traffic-control
29 signal or being driven at a prohibited rate of speed, and is
30 designed to obtain a photograph of the vehicle's license plate.

31 The bill prohibits local authorities from locating or
32 operating mobile automated traffic enforcement systems on
33 primary roads on or after July 1, 2013.

34 The bill requires a local authority to obtain a permit from
35 the department of transportation prior to installing a new



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 334

1 stationary automated traffic enforcement system on a primary
2 road on or after July 1, 2013. The application shall be made
3 to the department's district engineer, and shall include a
4 justification report relating to the proposed location of the
5 new system and supporting evidence of the need for automated
6 enforcement at the proposed location. The bill specifies
7 that permits will only be issued for high-crash or high-risk
8 locations, as defined in the bill. In addition, a qualifying
9 location must be an area where conventional enforcement is
10 unsafe, ineffective, or unable to address traffic safety
11 needs; an area with a significant history of accidents
12 attributable to traffic-control signal violations or speeding;
13 an intersection with a significant history of traffic-control
14 signal violations; a school zone; a road work zone; or a
15 location where operational issues create significant problems
16 and automated enforcement can help manage a more orderly flow
17 of traffic.

18 A justification report must also contain documentation of
19 existing traffic speeds and traffic volume, posted speed limits
20 and locations of signs, intersection geometry, number and type
21 of motor vehicle violations occurring at the location, accident
22 history for the location, law enforcement measures taken to
23 address problems at the location, and public education efforts
24 undertaken.

25 The bill provides that the department shall not issue a
26 permit for automated enforcement at a location on a primary
27 road unless the department is satisfied that appropriate
28 engineering and enforcement solutions have been explored and
29 implemented at the proposed location. The local authority
30 filing a justification report shall certify that the existing
31 speed limits and the timing of traffic-control signals are
32 appropriate and established according to accepted standards.

33 The bill contains requirements for the use of automated
34 traffic enforcement systems located on primary roads by
35 local authorities. The requirements apply to the ongoing



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 334

1 use of existing systems as well as to new systems installed
2 pursuant to a permit. A local authority is required to
3 publish information identifying the location of each automated
4 traffic enforcement system used on a primary road by the local
5 authority on an internet site sponsored by the local authority;
6 publish advance notice of each new primary road location where
7 an automated traffic enforcement system will be installed; and
8 issue only warning citations for violations detected during the
9 first 30 days of operation of a new system on a primary road.

10 The bill requires a local authority to provide permanent
11 signs on all primary roads entering a municipality that uses
12 automated enforcement on a primary road and signs posted in
13 advance of each location on a primary road where a fixed
14 automated traffic enforcement system is in use. The signage
15 must be in accordance with the current manual on uniform
16 traffic control devices adopted by the department by rule.

17 The bill requires local authorities to annually evaluate
18 the effectiveness of automated traffic enforcement systems
19 used on primary roads and submit an annual performance report
20 to the department. The department shall use information from
21 the reports to evaluate the continued need for automated
22 enforcement at locations identified in the reports. The
23 department may require the removal or modification of an
24 automated enforcement system at any location on a primary road
25 if the department determines that continued use of automated
26 enforcement at the location is no longer justified or that a
27 local authority is not providing proper administration of the
28 system.

29 The department may adopt rules to implement the provisions
30 of the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 335 - Introduced

HOUSE FILE 335
BY KAJTAZOVIC

A BILL FOR

1 An Act relating to fees charged for special motor vehicle
2 registration plates associated with military service.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1531YH (2) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 Section 1. Section 35A.11, Code 2013, is amended to read as
2 follows:

3 **35A.11 Veterans license fee fund.**

4 A veterans license fee fund is created in the state treasury
5 under the control of the commission. Notwithstanding section
6 12C.7, interest or earnings on moneys in the veterans license
7 fee fund shall be credited to the veterans license fee fund.
8 Moneys in the fund are appropriated to the commission to be
9 used to fulfill the responsibilities of the commission. The
10 fund shall include the fees credited by the treasurer of state
11 pursuant to section 321.145, subsection 2, paragraph "b",
12 subparagraph (3), Code 2013, from the sale of the following
13 special motor vehicle registration plates: as provided in
14 section 321.34, Code 2013.

15 ~~1. Veteran special plates issued pursuant to section~~
16 ~~321.34, subsection 13, paragraph "d".~~

17 ~~2. National guard special plates issued pursuant to section~~
18 ~~321.34, subsection 16.~~

19 ~~3. Pearl Harbor special plates issued pursuant to section~~
20 ~~321.34, subsection 17.~~

21 ~~4. Purple heart special plates issued pursuant to section~~
22 ~~321.34, subsection 18.~~

23 ~~5. United States armed forces retired special plates issued~~
24 ~~pursuant to section 321.34, subsection 19.~~

25 ~~6. Silver star and bronze star special plates issued~~
26 ~~pursuant to section 321.34, subsection 20.~~

27 ~~7. Distinguished service cross, navy cross, and air force~~
28 ~~cross special plates issued pursuant to section 321.34,~~
29 ~~subsection 20A.~~

30 ~~8. Soldier's medal, navy and marine corps medal, and~~
31 ~~airman's medal special plates issued pursuant to section~~
32 ~~321.34, subsection 20B.~~

33 ~~9. Combat infantryman badge, combat action badge, combat~~
34 ~~action ribbon, air force combat action medal, and combat~~
35 ~~medical badge plates issued pursuant to section 321.34,~~

LSB 1531YH (2) 85

-1-

dea/nh

1/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 ~~subsection 20C.~~
2 ~~10. Gold star special plates issued pursuant to section~~
3 ~~321.34, subsection 24.~~
4 Sec. 2. Section 321.34, subsections 16, 17, 18, 19, 20, 20A,
5 20B, 20C, and 24, Code 2013, are amended to read as follows:
6 16. *National guard special plates.*
7 a. An owner referred to in subsection 12 who is a member
8 of the national guard, as defined in chapter 29A, may,
9 upon written application to the department, order special
10 registration plates with a national guard processed emblem
11 with the. The emblem shall be designed by the department in
12 cooperation with the adjutant general which emblem signifies
13 and shall signify that the applicant is a member of the
14 national guard. The application shall be approved by the
15 department in consultation with the adjutant general. The
16 special plate fees collected by the director under subsection
17 12, paragraphs "a" and "c", from the issuance and annual
18 validation of letter-number designated and personalized
19 national guard plates shall be paid monthly to the treasurer
20 of state and deposited in the road use tax fund. The treasurer
21 of state shall transfer monthly from the statutory allocations
22 fund created under section 321.145, subsection 2, to the
23 veterans license fee fund created in section 35A.11 the amount
24 of the special fees collected under subsection 12, paragraph
25 "a", in the previous month for national guard plates. An
26 applicant shall not be charged a fee in addition to the annual
27 registration fee for issuance of letter-number designated
28 national guard plates. The department shall validate the
29 special plates in the same manner as regular registration
30 plates are validated under this section upon payment of the
31 regular annual registration fee. An applicant may obtain
32 personalized national guard plates upon payment of the
33 additional twenty-five-dollar fee for personalized plates as
34 provided in subsection 5. The annual fee for personalized
35 national guard plates is five dollars in addition to the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 regular annual registration fee. Special registration plates
2 with a national guard processed emblem shall be surrendered, as
3 provided in subsection 12, in exchange for regular registration
4 plates upon termination of the owner's membership in the active
5 national guard.

6 **b.** The surviving spouse of a person who was issued special
7 plates under this subsection may continue to use or apply for
8 and use the special plates subject to registration of the
9 special plates in the surviving spouse's name and upon payment
10 of ~~the annual five-dollar special plate fee and the regular~~
11 annual registration fee for the vehicle. If the surviving
12 spouse remarries, the surviving spouse shall return the special
13 plates to the department and the department shall issue regular
14 registration plates to the surviving spouse.

15 **17. Pearl Harbor special plates.**

16 **a.** An owner referred to in subsection 12 who was at Pearl
17 Harbor, Hawaii, as a member of the armed services of the United
18 States on December 7, 1941, may, upon written application to
19 the department, order special registration plates with a Pearl
20 Harbor processed emblem. The emblem shall be designed by the
21 department in consultation with service organizations. The
22 application is subject to approval by the department. The
23 ~~special plate fees collected by the director under subsection~~
24 ~~12, paragraphs "a" and "c", from the issuance and annual~~
25 ~~validation of letter-number designated and personalized Pearl~~
26 ~~Harbor plates shall be paid monthly to the treasurer of state~~
27 ~~and deposited in the road use tax fund. The treasurer of state~~
28 ~~shall transfer monthly from the statutory allocations fund~~
29 ~~created under section 321.145, subsection 2, to the veterans~~
30 ~~license fee fund created in section 35A.11 the amount of the~~
31 ~~special fees collected under subsection 12, paragraph "a", in~~
32 ~~the previous month for Pearl Harbor plates. An applicant shall~~
33 not be charged a fee in addition to the annual registration fee
34 for issuance of letter-number designated Pearl Harbor plates.
35 The department shall validate the special plates in the same

LSB 1531YH (2) 85

dea/nh

3/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 manner as regular registration plates are validated under
2 this section upon payment of the regular annual registration
3 fee. An applicant may obtain personalized Pearl Harbor plates
4 upon payment of the additional twenty-five-dollar fee for
5 personalized plates as provided in subsection 5. The annual
6 fee for personalized Pearl Harbor plates is five dollars in
7 addition to the regular annual registration fee.

8 *b.* The surviving spouse of a person who was issued special
9 plates under this subsection may continue to use or apply for
10 and use the special plates subject to registration of the
11 special plates in the surviving spouse's name and upon payment
12 of the ~~annual five-dollar special plate fee and the regular~~
13 ~~annual registration fee for the vehicle.~~ If the surviving
14 spouse remarries, the surviving spouse shall return the special
15 plates to the department and the department shall issue regular
16 registration plates to the surviving spouse.

17 18. *Purple heart special plates.*

18 *a.* An owner referred to in subsection 12 who was awarded
19 a purple heart medal by the United States government for
20 wounds received in military or naval combat against an armed
21 enemy of the United States may, upon written application to
22 the department and presentation of satisfactory proof of the
23 award of the purple heart medal, order special registration
24 plates with a purple heart processed emblem. The design of
25 the emblem shall include a representation of a purple heart
26 medal and ribbon. The application is subject to approval by
27 the department in consultation with the adjutant general. The
28 ~~special plate fees collected by the director under subsection~~
29 ~~12, paragraphs "a" and "c", from the issuance and annual~~
30 ~~validation of letter-number designated and personalized purple~~
31 ~~heart plates shall be paid monthly to the treasurer of state~~
32 ~~and deposited in the road use tax fund. The treasurer of state~~
33 ~~shall transfer monthly from the statutory allocations fund~~
34 ~~created under section 321.145, subsection 2, to the veterans~~
35 ~~license fee fund created in section 35A.11 the amount of the~~

LSB 1531YH (2) 85

-4-

dea/nh

4/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 ~~special fees collected under subsection 12, paragraph "a", in~~
2 ~~the previous month for purple heart plates. An applicant shall~~
3 ~~not be charged a fee in addition to the annual registration fee~~
4 ~~for issuance of letter-number designated purple heart plates.~~
5 The department shall validate the special plates in the same
6 manner as regular registration plates are validated under
7 this section upon payment of the regular annual registration
8 fee. An applicant may obtain personalized purple heart plates
9 upon payment of the additional twenty-five-dollar fee for
10 personalized plates as provided in subsection 5. The annual
11 fee for personalized purple heart plates is five dollars in
12 addition to the regular annual registration fee.

13 **b.** The surviving spouse of a person who was issued special
14 plates under this subsection may continue to use or apply for
15 and use the special plates subject to registration of the
16 special plates in the surviving spouse's name and upon payment
17 of ~~the annual five-dollar special plate fee and the regular~~
18 annual registration fee for the vehicle. If the surviving
19 spouse remarries, the surviving spouse shall return the special
20 plates to the department and the department shall issue regular
21 registration plates to the surviving spouse.

22 **19. United States armed forces retired special plates.**

23 **a.** An owner referred to in subsection 12 who is a retired
24 member of the United States armed forces may, upon written
25 application to the department and upon presentation of
26 satisfactory proof of membership, order special registration
27 plates with a United States armed forces retired processed
28 emblem. The emblem shall be designed by the department in
29 consultation with service organizations. The application is
30 subject to approval by the department. For purposes of this
31 subsection, a person is considered to be retired if the person
32 is recognized by the United States armed forces as retired
33 from the United States armed forces. ~~The special plate fees~~
34 ~~collected by the director under subsection 12, paragraphs~~
35 ~~"a" and "c", from the issuance and annual validation of~~

LSB 1531YH (2) 85

dea/nh

5/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

~~1 letter-number designated and personalized armed forces retired~~
~~2 plates shall be paid monthly to the treasurer of state and~~
~~3 deposited in the road use tax fund. The treasurer of state~~
~~4 shall transfer monthly from the statutory allocations fund~~
~~5 created under section 321.145, subsection 2, to the veterans~~
~~6 license fee fund created in section 35A.11 the amount of the~~
~~7 special fees collected under subsection 12, paragraph "a",~~
~~8 in the previous month for armed forces retired plates. An~~
9 applicant shall not be charged a fee in addition to the annual
10 registration fee for issuance of letter-number designated
11 armed forces retired plates. The department shall validate
12 the special plates in the same manner as regular registration
13 plates are validated under this section upon payment of the
14 regular annual registration fee. An applicant may obtain
15 personalized armed forces retired plates upon payment of the
16 additional twenty-five-dollar fee for personalized plates as
17 provided in subsection 5. The annual fee for personalized
18 armed forces retired plates is five dollars in addition to the
19 regular annual registration fee.

20 *b.* The surviving spouse of a person who was issued special
21 plates under this subsection may continue to use or apply for
22 and use the special plates subject to registration of the
23 special plates in the surviving spouse's name and upon payment
24 of the ~~annual five-dollar special plate fee and the regular~~
25 annual registration fee for the vehicle. If the surviving
26 spouse remarries, the surviving spouse shall return the special
27 plates to the department and the department shall issue regular
28 registration plates to the surviving spouse.

29 20. *Silver or bronze star plates.*

30 *a.* An owner referred to in subsection 12 who was awarded a
31 silver or a bronze star by the United States government, may,
32 upon written application to the department and presentation
33 of satisfactory proof of the award of the silver or bronze
34 star, order special registration plates with a silver or bronze
35 star processed emblem. The emblem shall be designed by the

LSB 1531YH (2) 85

dea/nh

6/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 department in consultation with the adjutant general. The
2 ~~special plate fees collected by the director under subsection~~
3 ~~12, paragraphs "a" and "c", from the issuance and annual~~
4 ~~validation of letter-number designated and personalized silver~~
5 ~~star and bronze star plates shall be paid monthly to the~~
6 ~~treasurer of state and deposited in the road use tax fund. The~~
7 ~~treasurer of state shall transfer monthly from the statutory~~
8 ~~allocations fund created under section 321.145, subsection 2,~~
9 ~~to the veterans license fee fund created in section 35A.11~~
10 ~~the amount of the special fees collected under subsection~~
11 ~~12, paragraph "a", in the previous month for silver star and~~
12 ~~bronze star plates. An applicant shall not be charged a fee~~
13 in addition to the annual registration fee for issuance of
14 letter-number designated silver star or bronze star plates.
15 The department shall validate the special plates in the same
16 manner as regular registration plates are validated under this
17 section upon payment of the regular annual registration fee.
18 An applicant may obtain personalized silver star or bronze
19 star plates upon payment of the additional twenty-five-dollar
20 fee for personalized plates as provided in subsection 5. The
21 annual fee for personalized silver star or bronze star plates
22 is five dollars in addition to the regular annual registration
23 fee.

24 **b.** The surviving spouse of a person who was issued special
25 plates under this subsection may continue to use or apply for
26 and use the special plates subject to registration of the
27 special plates in the surviving spouse's name and upon payment
28 of the ~~annual five-dollar special plate fee and the regular~~
29 annual registration fee for the vehicle. If the surviving
30 spouse remarries, the surviving spouse shall return the special
31 plates to the department and the department shall issue regular
32 registration plates to the surviving spouse.

33 **20A. Distinguished service, navy, or air force cross plates.**

34 **a.** An owner referred to in subsection 12 who was awarded
35 a distinguished service cross, a navy cross, or an air force

LSB 1531YH (2) 85

dea/nh

7/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 cross by the United States government may, upon written
2 application to the department and presentation of satisfactory
3 proof of the award, order special registration plates with
4 a distinguished service cross, navy cross, or air force
5 cross processed emblem. The emblem shall be designed by the
6 department in consultation with the adjutant general. The
7 ~~special plate fees collected by the director under subsection~~
8 ~~12, paragraphs "a" and "c", from the issuance and annual~~
9 ~~validation of letter-number designated and personalized~~
10 ~~distinguished service cross, navy cross, and air force cross~~
11 ~~plates shall be paid monthly to the treasurer of state and~~
12 ~~deposited in the road use tax fund. The treasurer of state~~
13 ~~shall transfer monthly from the statutory allocations fund~~
14 ~~created under section 321.145, subsection 2, to the veterans~~
15 ~~license fee fund created in section 35A.11 the amount of the~~
16 ~~special fees collected under subsection 12, paragraph "a",~~
17 ~~in the previous month for distinguished service cross, navy~~
18 ~~cross, and air force cross plates. An applicant shall not be~~
19 charged a fee in addition to the annual registration fee for
20 issuance of letter-number designated distinguished service
21 cross, navy cross, or air force cross plates. The department
22 shall validate the special plates in the same manner as regular
23 registration plates are validated under this section upon
24 payment of the regular annual registration fee. An applicant
25 may obtain personalized distinguished service cross, navy
26 cross, or air force cross plates upon payment of the additional
27 twenty-five-dollar fee for personalized plates as provided in
28 subsection 5. The annual fee for personalized distinguished
29 service cross, navy cross, or air force cross plates is five
30 dollars in addition to the regular annual registration fee.
31 b. The surviving spouse of a person who was issued special
32 plates under this subsection may continue to use or apply for
33 and use the special plates subject to registration of the
34 special plates in the surviving spouse's name and upon payment
35 of ~~the annual five-dollar special plate fee and the regular~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 annual registration fee for the vehicle. If the surviving
2 spouse remarries, the surviving spouse shall return the special
3 plates to the department and the department shall issue regular
4 registration plates to the surviving spouse.

5 20B. *Soldier's, navy and marine corps, or airman's medal*
6 *plates.*

7 a. An owner referred to in subsection 12 who was awarded a
8 soldier's medal, a navy and marine corps medal, or an airman's
9 medal by the United States government may, upon written
10 application to the department and presentation of satisfactory
11 proof of the award, order special registration plates with
12 a soldier's medal, navy and marine corps medal, or airman's
13 medal processed emblem. The emblem shall be designed by the
14 department in consultation with the adjutant general. The
15 ~~special plate fees collected by the director under subsection~~
16 ~~12, paragraphs "a" and "c", from the issuance and annual~~
17 ~~validation of letter-number designated and personalized~~
18 ~~soldier's medal, navy and marine corps medal, and airman's~~
19 ~~medal plates shall be paid monthly to the treasurer of state~~
20 ~~and deposited in the road use tax fund. The treasurer of state~~
21 ~~shall transfer monthly from the statutory allocations fund~~
22 ~~created under section 321.145, subsection 2, to the veterans~~
23 ~~license fee fund created in section 35A.11 the amount of the~~
24 ~~special fees collected under subsection 12, paragraph "a", in~~
25 ~~the previous month for soldier's medal, navy and marine corps~~
26 ~~medal, and airman's medal plates. An applicant shall not be~~
27 charged a fee in addition to the annual registration fee for
28 issuance of letter-number designated soldier's medal, navy and
29 marine corps medal, or airman's medal plates. The department
30 shall validate the special plates in the same manner as regular
31 registration plates are validated under this section upon
32 payment of the regular annual registration fee. An applicant
33 may obtain personalized soldier's medal, navy and marine corps
34 medal, or airman's medal plates upon payment of the additional
35 twenty-five-dollar fee for personalized plates as provided in



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 subsection 5. The annual fee for personalized soldier's medal,
2 navy and marine corps medal, or airman's medal plates is five
3 dollars in addition to the regular annual registration fee.

4 *b.* The surviving spouse of a person who was issued special
5 plates under this subsection may continue to use or apply for
6 and use the special plates subject to registration of the
7 special plates in the surviving spouse's name and upon payment
8 of the ~~annual five-dollar special plate fee and the regular~~
9 annual registration fee for the vehicle. If the surviving
10 spouse remarries, the surviving spouse shall return the special
11 plates to the department and the department shall issue regular
12 registration plates to the surviving spouse.

13 20C. *Combat infantryman badge, combat action badge, combat*
14 *action ribbon, air force combat action medal, and combat medical*
15 *badge plates.*

16 *a.* The department, in consultation with the adjutant
17 general, shall design combat infantryman badge, combat
18 action badge, combat action ribbon, air force combat action
19 medal, and combat medical badge distinguishing processed
20 emblems. ~~Upon receipt of two hundred fifty orders for combat~~
21 ~~infantryman badge, combat action badge, combat action ribbon,~~
22 ~~air force combat action medal, or combat medical badge special~~
23 ~~registration plates, accompanied by a start-up fee of twenty~~
24 ~~dollars per order, the department shall begin issuing special~~
25 ~~registration plates with the applicable distinguishing~~
26 ~~processed emblem as provided in paragraphs "b" and "c". The~~
27 ~~minimum order requirement shall apply separately to each of the~~
28 ~~special registration plates created under this subsection.~~

29 ~~*b.*~~ An owner referred to in subsection 12 who was awarded a
30 combat infantryman badge, combat action badge, combat action
31 ribbon, air force combat action medal, or combat medical
32 badge by the United States government may, upon written
33 application to the department and presentation of satisfactory
34 proof of the award, order special registration plates with a
35 combat infantryman badge, combat action badge, combat action

LSB 1531YH (2) 85

dea/nh

10/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 ribbon, air force combat action medal, or combat medical badge
2 processed emblem. ~~The special plate fees collected by the~~
3 ~~director under subsection 12, paragraphs "a" and "c", from the~~
4 ~~issuance and annual validation of letter-number designated and~~
5 ~~personalized combat infantryman badge, combat action badge,~~
6 ~~combat action ribbon, air force combat action medal, and combat~~
7 ~~medical badge plates shall be paid monthly to the treasurer of~~
8 ~~state and deposited in the road use tax fund. The treasurer~~
9 ~~of state shall transfer monthly from the statutory allocations~~
10 ~~fund created under section 321.145, subsection 2, to the~~
11 ~~veterans license fee fund created in section 35A.11 the amount~~
12 ~~of the special fees collected under subsection 12, paragraph~~
13 ~~"a", in the previous month for combat infantryman badge, combat~~
14 ~~action badge, combat action ribbon, air force combat action~~
15 ~~medal, and combat medical badge plates. An applicant shall not~~
16 be charged a fee in addition to the annual registration fee for
17 issuance of letter-number designated combat infantryman badge,
18 combat action badge, combat action ribbon, air force combat
19 action medal, or combat medical badge plates. The department
20 shall validate the special plates in the same manner as regular
21 registration plates are validated under this section upon
22 payment of the regular annual registration fee. An applicant
23 may obtain personalized combat infantryman badge, combat action
24 badge, combat action ribbon, air force combat action medal,
25 or combat medical badge plates upon payment of the additional
26 twenty-five-dollar fee for personalized plates as provided
27 in subsection 5. The annual fee for personalized combat
28 infantryman badge, combat action badge, combat action ribbon,
29 air force combat action medal, or combat medical badge plates
30 is five dollars in addition to the regular annual registration
31 fee.
32 ~~a.~~ b. The surviving spouse of a person who was issued
33 special plates under this subsection may continue to use or
34 apply for and use the special plates subject to registration
35 of the special plates in the surviving spouse's name and

LSB 1531YH (2) 85

-11-

dea/nh

11/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 upon payment of the annual five-dollar special plate fee and
2 the regular annual registration fee for the vehicle. If the
3 surviving spouse remarries, the surviving spouse shall return
4 the special plates to the department and the department shall
5 issue regular registration plates to the surviving spouse.
6 24. *Gold star plates.* An owner referred to in subsection
7 12 who is the surviving spouse, parent, child, or sibling of
8 a deceased member of the United States armed forces who died
9 while serving on active duty during a time of military conflict
10 or who died as a result of such service may order special
11 registration plates bearing a gold star emblem upon written
12 application to the department accompanied by satisfactory
13 supporting documentation as determined by the department.
14 The gold star emblem shall be designed by the department in
15 cooperation with the commission of veterans affairs. The
16 ~~special plate fees collected by the director under subsection~~
17 ~~12, paragraphs "a" and "c", from the issuance and annual~~
18 ~~validation of letter-number designated and personalized gold~~
19 ~~star plates shall be paid monthly to the treasurer of state and~~
20 ~~deposited in the road use tax fund. The treasurer of state~~
21 ~~shall transfer monthly from the statutory allocations fund~~
22 ~~created under section 321.145, subsection 2, to the veterans~~
23 ~~license fee fund created in section 35A.11 the amount of the~~
24 ~~special fees collected under subsection 12, paragraph "a", in~~
25 ~~the previous month for gold star plates. An applicant shall~~
26 not be charged a fee in addition to the annual registration
27 fee for issuance of letter-number designated gold star plates.
28 The department shall validate the special plates in the same
29 manner as regular registration plates are validated under
30 this section upon payment of the regular annual registration
31 fee. An applicant may obtain personalized gold star plates
32 upon payment of the additional twenty-five-dollar fee for
33 personalized plates as provided in subsection 5. The annual
34 fee for personalized gold star plates is five dollars in
35 addition to the regular annual registration fee.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 Sec. 3. Section 321.34, Code 2013, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 27. *United States veteran plates.* An
4 owner referred to in subsection 12 who served in the armed
5 forces of the United States and was discharged under honorable
6 conditions may, upon written application to the department and
7 presentation of satisfactory proof of military service and
8 honorable discharge, order special registration plates with a
9 distinguishing processed emblem depicting the word "veteran"
10 below an image of the American flag. An applicant shall
11 not be charged a fee in addition to the annual registration
12 fee for issuance of letter-number designated veteran plates.
13 The department shall validate the special plates in the same
14 manner as regular registration plates are validated under
15 this section upon payment of the regular annual registration
16 fee. An applicant may obtain personalized veteran plates
17 upon payment of the additional twenty-five-dollar fee for
18 personalized plates as provided in subsection 5. The annual
19 fee for personalized veteran plates is five dollars in addition
20 to the regular annual registration fee.

21 Sec. 4. Section 321.145, subsection 2, paragraph b,
22 subparagraph (3), Code 2013, is amended to read as follows:

23 (3) The amounts required to be transferred pursuant to
24 section 321.34 from revenues available under this subsection
25 shall be transferred and credited as provided in section
26 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, ~~16, 17,~~
27 ~~18, 19, 20, 20A, 20B, 20C,~~ 21, 22, 23, ~~24,~~ 25, and 26 for the
28 various purposes specified in those subsections.

29 EXPLANATION

30 This bill eliminates the special plate fees charged for
31 special motor vehicle registration plates associated with
32 military service which are established statutorily. The
33 affected plates are national guard plates; Pearl Harbor
34 plates; purple heart plates; United States armed forces retired
35 plates; silver star and bronze star plates; distinguished

LSB 1531YH (2) 85

-13-

dea/nh

13/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 335

1 service cross, navy cross, and air force cross special plates;
2 soldier's medal, navy and marine corps medal, and airman's
3 medal special plates; and gold star plates. The bill also
4 eliminates special plate fees for United States veteran plates,
5 which were established by the department of transportation,
6 in cooperation with the commission of veterans affairs, by
7 administrative process.

8 Under current law, the fees for the affected military plates
9 which are established by statute are the standard special plate
10 fees established in Code section 321.34. The fee for issuance
11 of the special plates is \$25, and the annual validation fee
12 is \$5, both in addition to the regular annual registration
13 fee. The issuance fee for United States veteran plates is \$35,
14 and the annual validation fee is \$10. The amount of revenue
15 from the special plate issuance fees and the special plate
16 validation fees is credited to the veterans license fee fund
17 administered by the commission of veterans affairs. The bill
18 eliminates the special plate fees that accrue to the veterans
19 license fee fund from the special military plates. The bill
20 adds the United States armed forces veteran plate, which is
21 currently established administratively, to the list of special
22 motor vehicle registration plates established in Code section
23 321.34.

24 Personalized plate fees and annual registration fees for
25 special military plates are credited to the road use tax fund
26 and are not affected under the bill.

27 The bill amends Code section 35A.11 to reflect that new
28 moneys will not be credited to the veterans license fee fund
29 upon the elimination of special plate fees for motor vehicle
30 registration plates associated with military service.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 336 - Introduced

HOUSE FILE 336
BY BRANDENBURG

A BILL FOR

1 An Act providing an exemption from the computation of net
2 income for the individual income tax of net capital gain
3 from the sale or exchange of qualified capital stock and
4 including effective date and retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2096HH (3) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 336

1 Section 1. Section 422.7, subsection 21, paragraph a,
2 subparagraph (2), Code 2013, is amended to read as follows:

3 (2) For purposes of this ~~paragraph subsection~~, "*lineal*
4 *descendant*" means children of the taxpayer, including legally
5 adopted children and biological children, stepchildren,
6 grandchildren, great-grandchildren, and any other lineal
7 descendants of the taxpayer.

8 Sec. 2. Section 422.7, subsection 21, Code 2013, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. f. (1) Net capital gain from the sale or
11 exchange of capital stock of a qualified corporation for which
12 an election is made by an employee-owner.

13 (2) (a) An employee-owner is entitled to make one
14 irrevocable lifetime election to exclude the net capital
15 gain from the sale or exchange of capital stock of one
16 qualified corporation which capital stock was acquired by the
17 employee-owner on account of employment by such qualified
18 corporation and while employed by such qualified corporation.

19 (b) The election shall apply to all subsequent sales or
20 exchanges of the elected capital stock, provided it is capital
21 stock in the same qualified corporation and was acquired on
22 account of employment by such qualified corporation and while
23 employed by such qualified corporation.

24 (c) The election shall apply to transfers of the capital
25 stock by inter vivos gift from the employee-owner to the
26 employee-owner's spouse or lineal descendants, or to a trust
27 for the benefit of the employee-owner's spouse or lineal
28 descendants. This subparagraph division (c) shall apply to a
29 spouse only if the spouse was married to the employee-owner on
30 the date of the sale or exchange or the date of death of the
31 employee-owner.

32 (d) If the employee-owner dies without making an election,
33 the surviving spouse or, if there is no surviving spouse, the
34 oldest surviving lineal descendent may make the election that
35 would have qualified under subparagraph division (c).

LSB 2096HH (3) 85

-1-

mm/sc

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 336

1 (e) The election shall be made by including a written
2 statement with the taxpayer's state income tax return for
3 the taxable year in which the election is made. The written
4 statement shall identify the qualified corporation that issued
5 the capital stock, the grounds for the election under this
6 paragraph "f", a statement that the taxpayer elects to have this
7 paragraph "f" apply, and any other information required by the
8 department. The department shall provide appropriate forms
9 for making elections and reporting exclusions pursuant to this
10 paragraph "f".

11 (3) For purposes of this paragraph:

12 (a) "*Capital stock*" means common or preferred stock, either
13 voting or nonvoting. "*Capital stock*" does not include stock
14 rights, stock warrants, stock options, or debt securities.

15 (b) "*Employee-owner*" means an individual who owns capital
16 stock in a qualified corporation, which capital stock was
17 acquired by the individual on account of employment by such
18 qualified corporation and while employed by such corporation.

19 (c) (i) "*Qualified corporation*" means a corporation
20 which, at the time of the first sale or exchange for which an
21 election is made under this paragraph "f", meets the following
22 conditions:

23 (A) The corporation has been in existence and actively doing
24 business in this state for at least ten years.

25 (B) The corporation has at least five shareholders.

26 (C) The corporation has at least two shareholders or
27 groups of shareholders who are not related. Two persons are
28 considered related when, under section 318 of the Internal
29 Revenue Code, one is a person who owns, directly or indirectly,
30 capital stock that if directly owned would be attributed to the
31 other person, or is the brother, sister, aunt, uncle, cousin,
32 niece, or nephew of the other person who owns capital stock
33 either directly or indirectly.

34 (ii) A qualified corporation shall include any member
35 of an affiliated group, as defined in section 422.32, if the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 336

1 affiliated group includes a member that has been in existence
2 and actively doing business in this state for at least ten
3 years.

4 (iii) A qualified corporation shall include any corporation
5 that was a party to a reorganization that was entirely or
6 substantially tax free if such reorganization occurred during
7 or after the employment of the employee-owner.

8 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
9 immediate importance, takes effect upon enactment.

10 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
11 retroactively to January 1, 2013, for tax years beginning on
12 or after that date.

13 EXPLANATION

14 This bill grants an employee-owner, as defined in the
15 bill, one irrevocable lifetime election to exclude from state
16 individual income tax the net capital gain from the sale of
17 the capital stock of one qualified corporation. Several
18 requirements must be met for capital stock to qualify as
19 capital stock of a qualified corporation. First, the stock
20 must be either voting or nonvoting, common or preferred
21 stock. Stock rights, stock warrants, stock options, and debt
22 securities do not qualify. Second, the corporation that issued
23 the stock must be in existence and actively doing business
24 in Iowa for at least 10 years. A corporation that is part
25 of an affiliated group will qualify if the affiliated group
26 includes a member that has been in existence and actively doing
27 business in Iowa for at least 10 years. Third, the corporation
28 that issued the stock must have at least five shareholders,
29 two of whom must not be related. Fourth, the stock must have
30 been acquired by the employee-owner on account of employment
31 with the corporation and while employed by the corporation. A
32 corporation will qualify if it is a party to a reorganization
33 that was entirely or substantially tax free as long as the
34 reorganization occurred during or after the employee-owner's
35 employment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 336

1 The election shall apply to all subsequent sales of the
2 elected capital stock, provided it is capital stock in the same
3 qualified corporation and was acquired on account of employment
4 by the corporation and while employed by the corporation.

5 The bill provides that the election applies to transfers of
6 the capital stock by inter vivos gift from the employee-owner
7 to a spouse or lineal descendant, or to a trust for the benefit
8 of the employee-owner's spouse or lineal descendant. The
9 election will apply to a spouse only if the spouse was married
10 to the employee-owner on the date of the sale or the date of the
11 employee-owner's death.

12 If, after making a valid inter vivos transfer of stock that
13 meets all the requirements for an election, an employee-owner
14 dies without making an election, the surviving spouse, or if
15 there is no surviving spouse, the oldest surviving lineal
16 descendant may make the election.

17 An election is made by including a written statement
18 containing certain required information, as specified in the
19 bill, with the taxpayer's Iowa income tax return for the
20 taxable year in which the election is made. The department of
21 revenue is required to provide appropriate forms for making
22 elections and reporting exclusions.

23 The bill takes effect upon enactment and applies
24 retroactively to January 1, 2013, for tax years beginning on
25 or after that date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 337 - Introduced

HOUSE FILE 337
BY BALTIMORE

A BILL FOR

1 An Act exempting from the state sales tax certain private
2 security and detective services furnished by peace officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1852YH (1) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 337

1 Section 1. Section 423.2, subsection 6, paragraph a, Code
2 2013, is amended to read as follows:
3 a. The sales price of any of the following enumerated
4 services is subject to the tax imposed by subsection
5 5: alteration and garment repair; armored car; vehicle repair;
6 battery, tire, and allied; investment counseling; service
7 charges of all financial institutions; barber and beauty;
8 boat repair; vehicle wash and wax; campgrounds; carpentry;
9 roof, shingle, and glass repair; dance schools and dance
10 studios; dating services; dry cleaning, pressing, dyeing, and
11 laundering; electrical and electronic repair and installation;
12 excavating and grading; farm implement repair of all kinds;
13 flying service; furniture, rug, carpet, and upholstery
14 repair and cleaning; fur storage and repair; golf and country
15 clubs and all commercial recreation; gun and camera repair;
16 house and building moving; household appliance, television,
17 and radio repair; janitorial and building maintenance or
18 cleaning; jewelry and watch repair; lawn care, landscaping,
19 and tree trimming and removal; limousine service, including
20 driver; machine operator; machine repair of all kinds; motor
21 repair; motorcycle, scooter, and bicycle repair; oilers and
22 lubricators; office and business machine repair; painting,
23 papering, and interior decorating; parking facilities; pay
24 television; pet grooming; pipe fitting and plumbing; wood
25 preparation; executive search agencies; private employment
26 agencies, excluding services for placing a person in employment
27 where the principal place of employment of that person is to
28 be located outside of the state; reflexology; security and
29 detective services, excluding private security and detective
30 services furnished by a peace officer with the knowledge and
31 consent of the chief executive officer of the peace officer's
32 law enforcement agency; sewage services for nonresidential
33 commercial operations; sewing and stitching; shoe repair
34 and shoeshine; sign construction and installation; storage
35 of household goods, mini-storage, and warehousing of raw



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 337

1 agricultural products; swimming pool cleaning and maintenance;
2 tanning beds or salons; taxidermy services; telephone
3 answering service; test laboratories, including mobile testing
4 laboratories and field testing by testing laboratories, and
5 excluding tests on humans or animals; termite, bug, roach, and
6 pest eradicators; tin and sheet metal repair; transportation
7 service consisting of the rental of recreational vehicles or
8 recreational boats, or the rental of motor vehicles subject
9 to registration which are registered for a gross weight of
10 thirteen tons or less for a period of sixty days or less, or
11 the rental of aircraft for a period of sixty days or less;
12 Turkish baths, massage, and reducing salons, excluding services
13 provided by massage therapists licensed under chapter 152C;
14 water conditioning and softening; weighing; welding; well
15 drilling; wrapping, packing, and packaging of merchandise other
16 than processed meat, fish, fowl, and vegetables; wrecking
17 service; wrecker and towing.

18 EXPLANATION

19 This bill exempts from the state sales tax private security
20 and detective services furnished by a peace officer with the
21 knowledge and consent of the chief executive officer of the
22 peace officer's law enforcement agency.

23 By operation of Code section 423.6, an item exempt from the
24 imposition of the sales tax is also exempt from the use tax
25 imposed in Code section 423.5.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 338 - Introduced

HOUSE FILE 338

BY GASSMAN, HEARTSILL, SHAW,
ALONS, SCHULTZ, DOLECHECK,
and SALMON

A BILL FOR

1 An Act relating to the grounds for dissolution of marriage when
2 minor children are involved.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1380YH (3) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 338

1 Section 1. NEW SECTION. 598.4A Dissolution of marriage —
2 grounds when minor children involved.

3 A party may petition for dissolution of marriage only upon
4 proof of any of the following when the welfare of any minor
5 child may be affected by the controversy:

6 1. The other party has committed adultery.

7 2. The other party has committed a felony and has been
8 sentenced to imprisonment.

9 3. The other party has abandoned the matrimonial domicile
10 for a period of one year or more and refuses to return.

11 4. The other party has physically or sexually abused the
12 party seeking the order or dissolution or a child of one of the
13 parties.

14 5. The parties have been living separate and apart
15 continuously without reconciliation for a period of two years
16 or more.

17 Sec. 2. Section 598.5, subsection 1, paragraph g, Code 2013,
18 is amended to read as follows:

19 g. (1) Allege If there are not minor children whose welfare
20 may be affected by the controversy, allege that there has been
21 a breakdown of the marriage relationship to the extent that
22 the legitimate objects of matrimony have been destroyed and
23 there remains no reasonable likelihood that the marriage can
24 be preserved.

25 (2) If there are minor children whose welfare may be
26 affected by the controversy, allege one or more grounds for the
27 dissolution specified in section 598.4A.

28 Sec. 3. Section 598.8, subsection 2, paragraph a,
29 subparagraph (1), Code 2013, is amended to read as follows:

30 (1) The parties have certified in writing one of the
31 following:

32 (a) If there are not minor children whose welfare may be
33 affected by the controversy, that there has been a breakdown
34 of the marriage relationship to the extent that the legitimate
35 objects of matrimony have been destroyed and there remains no

LSB 1380YH (3) 85

-1-

pf/nh

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 338

1 reasonable likelihood that the marriage can be preserved.

2 (b) If there are minor children whose welfare may be
3 affected by the controversy, proof of one or more of the
4 grounds alleged in the petition as specified in section 598.4A.

5 Sec. 4. Section 598.8, subsection 2, paragraph b,
6 subparagraph (1), Code 2013, is amended to read as follows:

7 (1) The petitioner has certified in writing one of the
8 following:

9 (a) If there are not minor children whose welfare may be
10 affected by the controversy, that there has been a breakdown
11 of the marriage relationship to the extent that the legitimate
12 objects of matrimony have been destroyed and there remains no
13 reasonable likelihood that the marriage can be preserved.

14 (b) If there are minor children whose welfare may be
15 affected by the controversy, proof of one or more of the
16 grounds alleged in the petition as specified in section 598.4A.

17 Sec. 5. Section 598.17, Code 2013, is amended to read as
18 follows:

19 **598.17 Dissolution of marriage — evidence.**

20 1. A decree dissolving the marriage may be entered when the
21 court is satisfied from the evidence presented of one of the
22 following:

23 a. If there are not minor children whose welfare may be
24 affected by the controversy, that there has been a breakdown
25 of the marriage relationship to the extent that the legitimate
26 objects of matrimony have been destroyed and there remains no
27 reasonable likelihood that the marriage can be preserved.

28 b. If there are minor children whose welfare may be affected
29 by the controversy, that there is satisfactory evidence of one
30 or more of the grounds alleged in the petition as specified in
31 section 598.4A.

32 2. The decree shall state that the dissolution is granted
33 to the parties, and shall not state that it is granted to only
34 one party.

35 3. If at the time of trial petitioner fails to present



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 338

1 satisfactory evidence that there has been a breakdown of
2 the marriage relationship to the extent that the legitimate
3 objects of matrimony have been destroyed and there remains no
4 reasonable likelihood that the marriage can be preserved, or of
5 one or more of the grounds alleged in the petition as specified
6 in section 598.4A, the respondent may then proceed to present
7 such evidence as though the respondent had filed the original
8 petition.

9 4. A dissolution of marriage granted when one of the spouses
10 has mental illness shall not relieve the other spouse of any
11 obligation imposed by law as a result of the marriage for the
12 support of the spouse with mental illness. The court may
13 ~~make~~ issue an order for the support or may waive the support
14 obligation when satisfied from the evidence that it would
15 create an undue hardship on the obliged spouse or that spouse's
16 other dependents.

17 EXPLANATION

18 This bill relates to the grounds that must be alleged in
19 a petition for dissolution of marriage. The bill retains
20 the present grounds of an allegation that there has been a
21 breakdown of the marriage relationship to the extent that
22 the legitimate objects of matrimony have been destroyed and
23 there remains no reasonable likelihood that the marriage can
24 be preserved in circumstances in which there is no minor child
25 affected. However, when a minor child may be affected by the
26 controversy, the bill establishes five grounds that may be
27 alleged in the petition for dissolution:

28 1. The other party has committed adultery.

29 2. The other party has committed a felony and has been
30 sentenced to imprisonment.

31 3. The other party has abandoned the matrimonial domicile
32 for a period of one year or more and refuses to return.

33 4. The other party has physically or sexually abused the
34 party seeking the order or dissolution or a child of one of the
35 parties.

LSB 1380YH (3) 85
pf/nh

-3-

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 338

1 5. The parties have been living separate and apart
2 continuously without reconciliation for a period of two years
3 or more.
4 The bill also makes conforming changes in Code chapter 598
5 (dissolution of marriage and domestic relations) to reflect the
6 difference in applicable grounds contingent upon whether or not
7 a minor child may be affected.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 339 - Introduced

HOUSE FILE 339
BY GASSMAN

A BILL FOR

1 An Act relating to the requirements for dissemination of Iowa
2 criminal history data by the department of public safety.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1436YH (2) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 339

1 Section 1. Section 692.2, subsection 1, paragraph b,
2 subparagraph (2), Code 2013, is amended to read as follows:
3 (2) The request must identify a specific person by name,
4 social security number, and date of birth. Fingerprints of the
5 person named may be required.

6 EXPLANATION

7 This bill relates to the requirements for dissemination of
8 Iowa criminal history data by the department of public safety.

9 Under current law, any person or public or private agency may
10 request information from the criminal history data maintained
11 by the department, subject to various restrictions. One of
12 the restrictions in current law requires identification of a
13 specific person by name and date of birth. The form utilized
14 by the department for such requests recommends inclusion of a
15 social security number. The bill requires inclusion of the
16 social security number.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 340 - Introduced

HOUSE FILE 340
BY M. SMITH

A BILL FOR

1 An Act relating to the voluntary installation of an ignition
2 interlock device and the reinstatement of a person's
3 driver's license or nonresident operating privilege.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2097YH (2) 85
rh/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 340

1 Section 1. Section 321J.17, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. If the department revokes a person's driver's license
4 or nonresident operating privilege under this chapter, the
5 department shall assess the person a civil penalty of two
6 hundred dollars. The money collected by the department under
7 this section shall be transmitted to the treasurer of state
8 who shall deposit one-half of the money in the separate fund
9 established in section 915.94 and one-half of the money in the
10 general fund of the state. A temporary restricted license
11 shall not be issued unless an ignition interlock device
12 has been installed pursuant to section 321J.4. A Except as
13 otherwise provided in section 321J.20, a driver's license
14 or nonresident operating privilege shall not be reinstated
15 unless proof of deinstallation of an ignition interlock device
16 installed pursuant to section 321J.4 has been submitted to
17 the department. Except as provided in section 321.210B, a
18 temporary restricted license shall not be issued or a driver's
19 license or nonresident operating privilege reinstated until
20 the civil penalty has been paid. A person assessed a penalty
21 under this section may remit the civil penalty along with a
22 processing fee of five dollars to a county treasurer authorized
23 to issue driver's licenses under chapter 321M, or the civil
24 penalty may be paid directly to the department.

25 Sec. 2. Section 321J.20, Code 2013, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 9. A person's election to keep an ignition
28 interlock device installed in the person's vehicle after the
29 period of time the ignition interlock device is required to
30 be installed shall not affect reinstatement of the person's
31 driver's license or nonresident operating privilege if the
32 person has met all of the requirements of reinstatement under
33 section 321J.17.

34 EXPLANATION

35 This bill provides that a person's election to keep an

LSB 2097YH (2) 85

-1-

rh/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 340

1 ignition interlock device installed in the person's vehicle
2 after the period of time the ignition interlock device is
3 required to be installed shall not affect reinstatement of the
4 person's driver's license or nonresident operating privilege
5 if the person has met all of the requirements of reinstatement
6 under Code section 321J.17 (conditions for reinstatement).

7 Current law provides that a driver's license or nonresident
8 operating privilege shall not be reinstated unless proof of
9 deinstallation has been submitted to the department.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 341 - Introduced

HOUSE FILE 341
BY FISHER, WINDSCHITL,
SCHULTZ, WATTS, HEARTSILL,
SHEETS, SALMON, GARRETT,
OURTH, and RUFF

A BILL FOR

1 An Act requiring the state's high school social studies
2 curriculum to include instruction on the Declaration of
3 Independence.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2308YH (3) 85
je/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 341

1 Section 1. Section 256.11, subsection 5, paragraph b, Code
2 2013, is amended to read as follows:

3 b. Five units of the social studies including instruction
4 in voting statutes and procedures, voter registration
5 requirements, the use of paper ballots and voting systems in
6 the election process, and the method of acquiring and casting
7 an absentee ballot. All students shall complete a minimum
8 of one-half unit of United States government and one unit of
9 United States history. The one-half unit of United States
10 government shall include the voting procedure as described in
11 this lettered paragraph and section 280.9A. The government
12 instruction shall also include a study of the Declaration of
13 Independence, the Constitution of the United States, and the
14 Bill of Rights contained in the Constitution, and an assessment
15 of a student's knowledge of the Declaration of Independence,
16 the Constitution, and the Bill of Rights.

17 EXPLANATION

18 This bill adds study of the Declaration of Independence to
19 the subjects required as part of government instruction in the
20 social studies curriculum for grades nine through 12 in the
21 state's educational standards.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 342 - Introduced

HOUSE FILE 342
BY PETTENGILL

(COMPANION TO SF 201 BY
KAPUCIAN)

A BILL FOR

1 An Act relating to the number of children in child care homes.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 2109YH (2) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 342

1 Section 1. Section 237A.1, subsection 6, Code 2013, is
2 amended to read as follows:

3 6. "*Child care home*" means a person or program providing
4 child care to five or fewer children at any one time, or ten or
5 fewer children pursuant to section 237A.3, subsection 1A, that
6 is not registered to provide child care under this chapter, as
7 authorized under section 237A.3.

8 Sec. 2. Section 237A.3, Code 2013, is amended by adding the
9 following new subsection:

10 **NEW SUBSECTION.** 1A. a. Notwithstanding subsection 1,
11 a person or program operating a child care home in a small
12 community may provide child care for between six and eight
13 children for up to three hours per day if a parent of each child
14 being provided care in the child care home signs a written
15 waiver allowing the additional number of children in the child
16 care home. A person or program operating a child care home in a
17 small community may provide child care for nine or ten children
18 for up to three hours per day if the child care home provides an
19 additional employee for the three hours in which the child care
20 home is providing care for nine or ten children and a parent of
21 each child being provided care in the child care home signs a
22 written waiver allowing the additional number of children in
23 the child care home.

24 b. For purposes of this subsection, "*small community*" means
25 a city of less than ten thousand persons or a county of less
26 than ten thousand persons as determined by the most recent
27 census certified by the secretary of state pursuant to section
28 9F.3.

29 c. The department shall adopt rules to determine the
30 necessary content in a waiver required pursuant to this
31 subsection.

32 **EXPLANATION**

33 This bill increases the number of children allowed in child
34 care homes under certain circumstances. Currently, a child
35 care home that is not registered may provide child care to five

LSB 2109YH (2) 85
ad/nh

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 342

1 children or fewer. The bill provides that a child care home in
2 a small community may provide child care for between six and
3 eight children for up to three hours a day as long as a parent
4 of each child signs a waiver. The bill also allows a child care
5 home in a small community to provide child care for nine or 10
6 children for up to three hours a day if each parent signs a
7 waiver and the child care home provides an additional employee
8 during periods when the child care home provides care for nine
9 or 10 children. The bill defines "small community" as either
10 a city of less than 10,000 persons or a county of less than
11 10,000 persons.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 343 - Introduced

HOUSE FILE 343
BY FRY

A BILL FOR

1 An Act relating to placement of a child removed from the home
2 and adoption of a child by a relative.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1935YH (3) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 343

1 Section 1. Section 600.8, subsection 12, Code 2013, is
2 amended to read as follows:
3 12. Any investigation and report required under subsection
4 1 may be waived by the juvenile court or court if the
5 adoption petitioner is related within the fourth degree of
6 consanguinity to the person to be adopted, and shall be waived
7 by the juvenile court or court if the adoption petitioner is
8 a grandparent, aunt, uncle, or adult sibling of the person
9 to be adopted. However, if an adoption petitioner discloses
10 a criminal conviction or deferred judgment for an offense
11 other than a simple misdemeanor or founded child abuse report
12 pursuant to section 600.5, the petitioner shall notify the
13 court of the inclusion of this information in the petition
14 prior to the final adoption hearing, and the court shall make a
15 specific ruling regarding whether to waive any investigation or
16 report required under subsection 1.
17 Sec. 2. PLACEMENT OF CHILDREN WITH RELATIVES — REVIEW AND
18 RECOMMENDATIONS.
19 1. The department of human services shall conduct a
20 comprehensive examination of current child protection policies
21 and procedures and evaluate possible changes that can be made
22 to those policies and procedures in order to recommend uniform
23 statewide policies and procedures that provide for placements
24 of children with a family member if a family member so desires,
25 upon removal of a child from the child's home pursuant to a
26 provision in chapter 232, division III, or a rule adopted
27 pursuant to that division.
28 2. The department shall make recommendations relating to
29 the following: the requirements and procedures necessary to
30 allow placement of a child with a family member when the family
31 member is not certified or licensed to provide child foster
32 care or preadoptive care; the procedure for assisting a family
33 member who accepts placement of a child in becoming licensed
34 to provide child foster care; the requirements, policy, and
35 procedure necessary to transition a child from a foster care

LSB 1935YH (3) 85
ad/nh

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 343

1 or shelter care placement to placement with a family member;
2 a policy and procedure to enhance or change the subsidized
3 guardianship process which allows for placements of children
4 with family members; the requirements, procedure, and a list
5 of the clear and convincing bases under which the department
6 could determine that a child should not be placed with a
7 family member who is willing to accept the placement; and
8 other policies and procedures the department deems relevant
9 in increasing the number of placements of children with
10 family members. In drafting recommendations, the department
11 shall consider placement of a child with a family member
12 as preferential in all child in need of assistance removal
13 situations.

14 3. For purposes of this section, "family member" means
15 a grandparent, aunt, uncle, adult sibling, or adult relative
16 suggested by the child's parents.

17 4. The department shall, by December 1, 2013, submit a
18 report of its review including findings and recommendations to
19 the governor and the general assembly.

20 EXPLANATION

21 This bill relates to the placement of a child removed from
22 the home and the adoption of a child by a relative.

23 The bill provides that the juvenile court or court must waive
24 the requirement of a preplacement investigation and report,
25 a postplacement investigation and report, and a background
26 information investigation and report in adoption proceedings if
27 the adoption petitioner is a grandparent, aunt, uncle, or adult
28 sibling of the person to be adopted. The adoption petitioner
29 would still be required to notify the court of a child abuse
30 report, or a criminal conviction or deferred judgment for an
31 offense other than a simple misdemeanor in the petition.

32 The bill requires the department of human services to
33 conduct an examination of child protection policies and
34 procedures and possible changes to those policies and
35 procedures in order to recommend uniform statewide policies

LSB 1935YH (3) 85
ad/nh

-2-

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 343

1 and procedures which provide for placements of children
2 with family members, if a family member so desires, upon the
3 child's removal from the home pursuant to children in need of
4 assistance proceedings. For purposes of the bill, a "family
5 member" means a grandparent, aunt, uncle, adult sibling, or
6 adult relative suggested by the child's parents. The bill
7 lists several topics that the department's recommendations must
8 address. The bill requires the department of human services to
9 submit a report with its findings and recommendations to the
10 governor and the general assembly by December 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 344 - Introduced

HOUSE FILE 344
BY PETTENGILL

A BILL FOR

1 An Act prohibiting the disclosure of personal or
2 employment-related information except under specified
3 circumstances, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2403YH (3) 85
rn/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 344

1 Section 1. Section 91B.2, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. *a.* An employer shall not provide
4 work-related information, including but not limited to
5 information contained in the employee's personnel file and
6 salary level, to any individual or entity except at the request
7 or authorization of the employee or former employee.

8 *b.* A person who violates this subsection shall be guilty of
9 a simple misdemeanor. In addition, the commissioner of labor
10 shall assess a civil penalty against the person in an amount
11 not greater than five thousand dollars.

12 *c.* This subsection shall not apply to the provision of
13 work-related information to a federal, state, or local law
14 enforcement official pursuant to or in the course of a criminal
15 investigation.

16 Sec. 2. NEW SECTION. 733.1 **Definitions.**

17 For the purposes of this chapter, unless the context
18 otherwise requires:

19 1. "*Business entity*" means a person, corporation,
20 association, partnership, limited liability company, limited
21 liability partnership, or any other legal entity engaged in or
22 offering for sale any goods or services in this state.

23 2. "*Customer information*" means an individual's first
24 name or first initial and last name in combination with the
25 individual's residential address, business address, internet
26 address, or telephone number. "*Customer information*" does not
27 include information that is lawfully obtained from publicly
28 available sources, or from federal, state, or local government
29 records lawfully made available to the general public.

30 Sec. 3. NEW SECTION. 733.2 **Business entities —**
31 **communication prohibition.**

32 A business entity shall not communicate or cause to be
33 communicated in any form or manner an individual's customer
34 information to another business entity unless the individual
35 is included on the customer information sharing database



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 344

1 established in section 733.3.

2 Sec. 4. NEW SECTION. 733.3 Customer information sharing
3 database.

4 1. The attorney general shall establish and provide for the
5 operation of a database containing a list of individuals who do
6 not object to the communication of the individual's customer
7 information from one business entity to another business entity
8 for marketing, solicitation, or customer-sharing purposes.

9 There shall be no cost to the individual for electing to be
10 included in the database.

11 2. Information contained in the information sharing
12 database established in subsection 1 shall be used only for
13 the purpose of compliance with section 733.2 and this section.
14 Such information shall not be considered a public record for
15 the purposes of chapter 22.

16 Sec. 5. NEW SECTION. 733.4 Rules — access fees.

17 The attorney general shall adopt rules pursuant to chapter
18 17A to govern the establishment of a customer information
19 sharing database and to administer this chapter. The rules
20 shall include all of the following:

21 1. The methods by which an individual may give notice to
22 the attorney general of the individual's election to be listed
23 in the customer information sharing database and revocation of
24 such election.

25 2. The length of time for which an election shall be
26 effective.

27 3. The methods by which notices and revocations shall
28 be collected and information added to or deleted from the
29 database.

30 4. The methods by which a business entity may obtain
31 access to the database, including any fees for such access.
32 The attorney general may utilize any fees collected for the
33 purposes of establishing and operating the customer information
34 sharing database.

35 Sec. 6. NEW SECTION. 733.5 Violations — penalties.

LSB 2403YH (3) 85

-2-

rn/nh

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 344

1 A violation of this chapter is an unlawful practice
2 under section 714.16, subsection 2, paragraph "a". All the
3 powers conferred upon the attorney general to accomplish the
4 objectives and carry out the duties prescribed pursuant to
5 section 714.16 are also conferred upon the attorney general to
6 enforce this chapter, including seeking injunctive relief and
7 civil penalties.

8 EXPLANATION

9 This bill relates to the disclosure of personal or
10 employment-related information.

11 The bill states that an employer shall not provide
12 work-related information, including but not limited to
13 information contained in an employee's personnel file and
14 salary level, to any individual or entity except at the request
15 or authorization of the employee or former employee. The bill
16 provides that a person who violates this prohibition is guilty
17 of a simple misdemeanor punishable by confinement for no more
18 than 30 days or a fine of at least \$65 but not more than \$625
19 or by both, and that in addition the commissioner of labor
20 shall assess a civil penalty against the person in an amount
21 not greater than \$5,000. The bill adds that this prohibition
22 does not extend to disclosure to federal, state, or local law
23 enforcement personnel.

24 The bill provides that a business entity shall not
25 communicate or cause to be communicated in any form or manner
26 an individual's customer information to another business entity
27 unless the individual is included on a customer information
28 sharing database established in the bill. The bill defines a
29 "business entity" to mean a person, corporation, association,
30 partnership, limited liability company, limited liability
31 partnership, or any other legal entity engaged in or offering
32 for sale any goods or services in this state. The bill
33 defines "customer information" to mean an individual's first
34 name or first initial and last name in combination with the
35 individual's residential address, business address, internet

LSB 2403YH (3) 85
rn/nh

-3-

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 344

1 address, or telephone number. The bill states that "customer
2 information" does not include information that is lawfully
3 obtained from publicly available sources, or from federal,
4 state, or local government records lawfully made available to
5 the general public.

6 The bill directs the attorney general to establish and
7 provide for the operation of a database containing a list of
8 individuals who do not object to the communication of the
9 individual's customer information from one business entity
10 to another business entity for marketing, solicitation, or
11 customer-sharing purposes. The bill provides that there shall
12 be no cost to the individual electing to be included in the
13 database, and that information contained in the database shall
14 not be considered a public record for the purposes of Code
15 chapter 22.

16 The bill requires the attorney general to adopt rules
17 governing operation of the database, including the methods by
18 which an individual may give notice to the attorney general
19 of the individual's election to be listed in the database and
20 revocation of such election, the length of time for which an
21 election shall be effective, the methods by which notices
22 and revocations shall be collected and information added or
23 deleted, and the methods by which a business entity may obtain
24 access to the database, including any fees for such access.
25 The bill authorizes the attorney general to utilize any fees
26 collected for the purposes of establishing and operating the
27 customer information sharing database.

28 The bill provides that a violation of the business entity
29 disclosure requirements constitutes an unlawful practice under
30 Code section 714.16, subsection 2, paragraph "a". Violations
31 of unlawful practice provisions are subject to imposition
32 by the attorney general of a civil penalty not to exceed
33 \$40,000 per violation, and additionally a civil penalty of
34 not more than \$5,000 for each day of intentional violation
35 of a temporary restraining order, preliminary injunction, or

LSB 2403YH (3) 85
rn/nh

-4-

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 344

1 permanent injunction.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 345 - Introduced

HOUSE FILE 345
BY LENSING

A BILL FOR

1 An Act relating to continuing education in vital statistics for
2 certain medical professionals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2330HH (1) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 345

1 Section 1. NEW SECTION. 272C.2C Continuing education
2 requirements for certain health professionals — vital
3 statistics.

4 The following licensing boards shall require the specified
5 licensees to complete at least one hour of continuing education
6 in vital statistics records prior to every renewal of the
7 professional's license:

8 1. The board of medicine, for persons licensed to practice
9 medicine and surgery or osteopathic medicine and surgery
10 pursuant to chapter 148.

11 2. The board of nursing, for a registered nurse or advanced
12 registered nurse practitioner licensed pursuant to chapter 152.

13 3. The board of physician assistants, for physician
14 assistants licensed pursuant to chapter 148C.

15 EXPLANATION

16 This bill requires the board of medicine, the board of
17 nursing, and the board of physician assistants to require
18 medical doctors, doctors of osteopathy, registered nurses,
19 advanced registered nurse practitioners, and physician
20 assistants to complete at least one hour of continuing
21 education in vital statistics records prior to each renewal of
22 the professional's license.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 346 - Introduced

HOUSE FILE 346

BY ALONS, SHEETS, SCHULTZ,
HEARTSILL, MAXWELL, and
SHAW

A BILL FOR

1 An Act recognizing gold and silver coin as legal tender.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1094YH (8) 85
rn/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 346

1 Section 1. Section 524.805, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9. A state bank shall receive deposits
4 in gold and silver coins recognized as legal tender pursuant
5 to section 535.6, and shall denominate and segregate accounts
6 containing gold and silver coins from other forms of currency.
7 Withdrawals shall be made in the same currency as deposits
8 unless converted from one form of currency to another form of
9 currency.

10 Sec. 2. NEW SECTION. 533.331 **Acceptance of deposits of gold**
11 **and silver.**

12 A state credit union shall receive deposits in gold
13 and silver coins recognized as legal tender pursuant to
14 section 535.6, and shall denominate and segregate accounts
15 containing gold and silver coins from other forms of currency.
16 Withdrawals shall be made in the same currency as deposits
17 unless converted from one form of currency to another form of
18 currency.

19 Sec. 3. NEW SECTION. 535.6 **Gold and silver coin — legal**
20 **tender.**

21 1. *Definitions.* For the purposes of this section:

22 a. "*Financial transaction*" means a transaction that requires
23 and stipulates the payment of, or by the terms of which is
24 payable in, some medium of exchange, currency, or money.

25 b. "*Legal tender*" means a medium of exchange, currency, or
26 money that may be accepted in a financial transaction in this
27 state.

28 2. *Legal tender.*

29 a. Gold and silver coin issued by the federal government is
30 legal tender in this state. Any person may use gold or silver
31 coin, or both, as legal tender in a financial transaction to
32 which that person is a party.

33 b. If a financial transaction by its terms requires
34 that payment shall be made in gold or silver coin, the only
35 allowable medium of exchange for payment of the transaction

LSB 1094YH (8) 85

-1-

rn/nh

1/4

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013**

H.F. 346

1 shall be gold or silver coin.

2 c. If a financial transaction by its terms requires that
3 payment be made in some medium of exchange other than gold or
4 silver coin, the parties may mutually agree to payment of the
5 transaction with gold or silver coin at such rate of exchange
6 between the other medium of exchange originally stipulated in
7 the transaction and gold or silver coin as the parties may deem
8 appropriate.

9 d. A person may not compel any other person to accept gold
10 and silver coin as legal tender. The designation of gold and
11 silver coin as legal tender pursuant to this section shall
12 not preclude or prejudice the use by any person for any legal
13 purpose of any medium of exchange, currency, or money, in
14 addition to gold and silver coin, which has been designated
15 legal tender under the laws of the United States.

16 3. A transaction entered into by a person which involves the
17 exchange of any gold or silver coin which is legal tender for
18 some medium of exchange other than gold or silver coin which
19 has been designated legal tender shall not be subject to any
20 sales, excise, gross receipts, income, capital gains, or other
21 form of tax or charge authorized under the laws of this state.

22 Sec. 4. GOLD AND SILVER COIN DEPOSITORY — STUDY. The
23 division of banking of the department of commerce shall conduct
24 a study to evaluate establishing a state gold and silver coin
25 depository whereby customers could utilize debit cards linked
26 to gold and silver coin investments to transfer gold and silver
27 coins between accounts. In conducting the study, the division
28 shall consider similar depositories established or in the
29 process of being established in other states. The division
30 shall assess the advantages, disadvantages, implementation
31 of, and estimated utilization of such a depository, and shall
32 submit a report containing its recommendations to the general
33 assembly by January 1, 2014.

34 EXPLANATION

35 This bill provides that gold and silver coin issued by the

LSB 1094YH (8) 85

rn/nh

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 346

1 federal government is legal tender in Iowa.

2 The bill provides that any person may use gold or silver
3 coin, or both, as legal tender in a financial transaction to
4 which that person is a party. The bill defines a "financial
5 transaction" to mean a transaction that requires and stipulates
6 the payment of, or by the terms of which is payable in, some
7 medium of exchange, currency, or money. The bill defines
8 "legal tender" to mean a medium of exchange, currency, or money
9 that may be accepted in a financial transaction in Iowa.

10 The bill states that if a financial transaction by its
11 terms requires that payment shall be made in gold or silver
12 coin, the only allowable medium of exchange for payment of
13 the transaction shall be gold or silver coin. If a financial
14 transaction by its terms requires that payment be made in some
15 medium of exchange other than gold or silver coin, the bill
16 states that the parties may mutually agree to payment of the
17 transaction with gold or silver coin at such rate of exchange
18 between the other medium of exchange originally stipulated in
19 the transaction and gold or silver coin as the parties may
20 deem appropriate. The bill provides that a person may not
21 compel any other person to accept gold and silver coin as legal
22 tender, and that designation of gold and silver coin as legal
23 tender shall not preclude or prejudice the use by any person
24 for any legal purpose of any medium of exchange, currency, or
25 money, in addition to gold and silver coin, which has been
26 designated legal tender under the laws of the United States.

27 The bill states that a transaction entered into by a person
28 which involves the exchange of any gold or silver coin which
29 is legal tender for some medium of exchange other than gold or
30 silver coin which has been designated legal tender shall not be
31 subject to any sales, excise, gross receipts, income, capital
32 gains, or other form of tax or public charge under the laws of
33 this state.

34 The bill directs the division of banking of the department
35 of commerce to conduct a study to evaluate establishing a

LSB 1094YH (8) 85

rn/nh

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 346

1 state gold and silver coin depository whereby customers could
2 utilize debit cards linked to gold and silver coin investments
3 to transfer gold and silver coins between accounts. In
4 conducting the study, the division is directed to consider
5 similar depositories established or in the process of being
6 established in other states, and to assess the advantages,
7 disadvantages, implementation of, and estimated utilization
8 of such a depository. The division is required to submit a
9 report containing its recommendations to the general assembly
10 by January 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 347 - Introduced

HOUSE FILE 347

BY PRICHARD, BEARINGER,
HUNTER, T. TAYLOR, HEDDENS,
DUNKEL, H. MILLER, KELLEY,
WOLFE, DAWSON, FORBES,
WOOD, OLDSO, THOMAS,
RUFF, OURTH, R. OLSON,
MUHLBAUER, ABDUL-SAMAD,
M. SMITH, WINCKLER,
LENSING, STUTSMAN,
WESSEL-KROESCHELL, KEARNS,
KRESSIG, JACOBY, and SALMON

A BILL FOR

1 An Act establishing an emergency medical services task force.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2150HH (5) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 347

1 Section 1. EMERGENCY MEDICAL SERVICES TASK FORCE AND
2 REPORT.

3 1. The department of public health shall establish a task
4 force to ensure the future availability of quality emergency
5 medical services for the state.

6 2. The members of the task force shall be appointed by the
7 director of the department of public health, or the director's
8 designee, as follows:

9 a. A manager of a rural volunteer emergency medical
10 transport service.

11 b. A manager of a rural paid emergency medical transport
12 service.

13 c. A manager of an urban emergency medical transport
14 service.

15 d. A manager of a nontransport emergency medical service.

16 e. A representative of a fire department-based emergency
17 medical service.

18 f. A representative of a hospital-based emergency medical
19 service.

20 g. A representative of a private, for-profit emergency
21 medical transport service.

22 h. A representative of a not-for-profit emergency medical
23 transport service.

24 i. A representative of the Iowa emergency medical services
25 association board of directors.

26 j. A representative of an emergency medical services
27 training agency.

28 k. An urban emergency department physician.

29 l. A rural emergency department physician.

30 m. A representative of the Iowa emergency nurses
31 association.

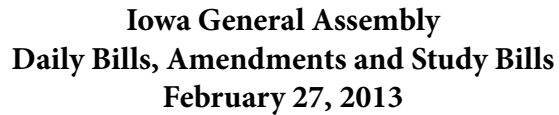
32 n. A representative of the Iowa alliance in home care.

33 3. The task force shall discuss the current state of
34 emergency medical services in Iowa and make recommendations for
35 enhancement of Iowa's emergency medical services system.

LSB 2150HH (5) 85
ad/nh

-1-

1/2



1 4. The task force shall, by April 30, 2014, submit a
2 report of its findings and recommendations to the governor,
3 the general assembly, the department of public health, and the
4 emergency medical services advisory council. The emergency
5 medical services advisory council shall review the report and
6 make recommendations related to implementation of the report's
7 recommendations to the director of the department of public
8 health.

9 EXPLANATION

10 This bill establishes an emergency medical services task
11 force to ensure the future availability of quality emergency
12 medical services for the state. The director of the department
13 of public health, or the director's designee, must appoint
14 the members of the 14-person task force as provided in the
15 bill. The bill requires the task force to discuss the current
16 state of emergency medical services in the state and make
17 recommendations to enhance Iowa's emergency medical services
18 system. The bill requires the task force to submit a report of
19 its findings and recommendations to the governor, the general
20 assembly, the department of public health, and the emergency
21 medical services advisory council by April 30, 2014. The bill
22 requires the emergency medical services advisory council to
23 review the report and make recommendations for implementation
24 to the director of the department of public health.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 348 - Introduced

HOUSE FILE 348
BY PRICHARD and ALONS

A BILL FOR

1 An Act creating a new category of allowable expenditures from
2 the veterans trust fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2090YH (4) 85
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 348

1 Section 1. Section 35A.13, subsection 6, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *m.* Expenses related to screening or
4 treatment for any medical need related to a military
5 service-connected traumatic brain injury sustained while on
6 federal active duty, state active duty, or national guard duty,
7 as defined in section 29A.1, or sustained while on federal
8 reserve duty pursuant to orders issued under Tit. 10 of the
9 United States Code for which payment or reimbursement is not
10 otherwise available through any other federal or state program.

11 EXPLANATION

12 This bill creates a new category of allowable expenditures
13 from the veterans trust fund. The bill allows the commission
14 of veterans affairs to expend moneys on expenses related to
15 screening or treatment for any medical need related to a
16 military service-connected traumatic brain injury for which
17 payment or reimbursement is not otherwise available through any
18 other federal or state program.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 349 - Introduced

HOUSE FILE 349
BY DOLECHECK

A BILL FOR

1 An Act relating to the assessment of certain real estate used
2 in the cultivation and production of algae, and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1858HH (3) 85
da/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 349

1 Section 1. Section 427A.1, subsection 4, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. d. It is a photobioreactor used in the
4 production of algae for harvesting as a crop for animal feed,
5 food, nutritionals, or biofuel production.
6 Sec. 2. Section 441.21, subsection 12, Code 2013, is amended
7 to read as follows:
8 ~~12. Beginning with valuations established on or after~~
9 ~~January 1, 2002, as~~ As used in this section, unless the context
10 otherwise requires, "agricultural property" includes the all of
11 the following:
12 a. Beginning with valuations established on or after January
13 1, 2002, the real estate of a vineyard and buildings used in
14 connection with the vineyard, including any building used for
15 processing wine if such building is located on the same parcel
16 as the vineyard.
17 b. Beginning with valuations established on or after January
18 1, 2013, real estate used directly in the cultivation and
19 production of algae for harvesting as a crop for animal feed,
20 food, nutritionals, or biofuel production. The real estate
21 must be an enclosed pond or land containing a photobioreactor.
22 Sec. 3. RETROACTIVE APPLICABILITY. This division of this
23 Act applies retroactively to January 1, 2013, for assessment
24 years beginning on or after that date.
25 Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this
26 Act, being deemed of immediate importance, takes effect upon
27 enactment.

28 EXPLANATION

29 This bill provides that, for purposes of property taxation,
30 agricultural property includes the real estate which is
31 used directly in the cultivation and production of algae for
32 harvesting as a crop for animal feed, food, nutritionals, or
33 biofuel production. The real estate must be an enclosed pond
34 or must be land containing machinery or equipment that uses
35 a light source to provide photonic energy, referred to as a

LSB 1858HH (3) 85
da/sc

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 349

1 photobioreactor.

2 The bill takes effect upon enactment and applies
3 retroactively to assessment years beginning on or after January
4 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 350 - Introduced

HOUSE FILE 350
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 117)

A BILL FOR

1 An Act relating to absentee voting at the office of the county
2 commissioner of elections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1964HV (3) 85
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 350

1 Section 1. Section 53.2, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:
3 a. Any registered voter, under the circumstances specified
4 in section 53.1, may on any day, except election day, and not
5 more than seventy days prior to the date of the election, apply
6 in person for an absentee ballot at the commissioner's office
7 or at any location designated by the commissioner. However,
8 ~~for those elections in which the commissioner directs the polls~~
9 ~~be opened at noon pursuant to section 49.73, a voter may apply~~
10 ~~in person for an absentee ballot at the commissioner's office~~
11 ~~from 8:00 a.m. until 11:00 a.m. on election day.~~

12 EXPLANATION

13 This bill relates to absentee voting at the office of the
14 county commissioner of elections.

15 The bill removes current provisions requiring that a voter
16 be allowed to vote in person at the county commissioner's
17 office from 8:00 a.m. until 11:00 a.m. on election day for
18 those elections when the commissioner directs the polls to be
19 opened at noon.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 351 - Introduced

HOUSE FILE 351
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 144)

A BILL FOR

1 An Act providing that children who are enrolled in the
2 statewide preschool program are of compulsory attendance
3 age.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1833HV (1) 85
kh/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 351

1 Section 1. Section 256C.3, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. *Eligible children.*

4 a. A child who is a resident of Iowa and is four years
5 of age on or before September 15 of a school year shall be
6 eligible to enroll in the preschool program under this chapter.
7 If such a child is enrolled under this chapter, the child shall
8 be considered to be of compulsory attendance age as provided in
9 section 299.1A, subsection 3.

10 b. If space and funding are available, a school district
11 approved to participate in the preschool program may enroll a
12 younger or older child in the preschool program; however, the
13 child shall not be counted for state funding purposes.

14 Sec. 2. Section 299.1A, subsection 1, Code 2013, is amended
15 to read as follows:

16 1. Except as provided in ~~subsection~~ subsections 2 and 3,
17 a child who has reached the age of six and is under sixteen
18 years of age by September 15 is of compulsory attendance age.
19 However, if a child enrolled in a school district or accredited
20 nonpublic school reaches the age of sixteen on or after
21 September 15, the child remains of compulsory age until the end
22 of the regular school calendar.

23 Sec. 3. Section 299.1A, Code 2013, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 3. A child who has reached the age of
26 four by September 15 and who is enrolled in the statewide
27 preschool program under chapter 256C shall be considered to
28 be of compulsory attendance age unless the parent or guardian
29 of the child submits written notice to the school district
30 implementing the program of the parent's or guardian's intent
31 to remove the child from enrollment in the preschool program.

32 EXPLANATION

33 This bill provides that a child who is four years of age on
34 or before September 15 of a school year and who is enrolled
35 in the statewide preschool program for four-year-old children

LSB 1833HV (1) 85

-1-

kh/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 351

1 shall be considered to be of compulsory attendance age unless
2 the parent or guardian of the child submits written notice to
3 the school district implementing the program of the parent's or
4 guardian's intent to remove the child from enrollment in the
5 preschool program.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 352 - Introduced

HOUSE FILE 352
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 84)

A BILL FOR

1 An Act relating to school instructional hours and school
2 instructional days and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1066HV (4) 85
je/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 352

1 Section 1. Section 256.7, subsection 19, Code 2013, is
2 amended to read as follows:

3 19. Define the ~~minimum school day as a day consisting of~~
4 ~~five and one-half hours of instructional time for grades one~~
5 ~~through twelve. The minimum hours as time spent under the~~
6 ~~direction of a licensed teacher that shall be exclusive of the~~
7 ~~lunch period and parent-teacher conferences, but may include~~
8 ~~passing time between classes. Time spent on parent-teacher~~
9 ~~conferences shall be considered instructional time. A school~~
10 ~~or school district may record a day of school with less than~~
11 ~~the minimum instructional hours as a minimum school day if any~~
12 ~~of the following apply:~~

13 ~~a. If emergency health or safety factors require the late~~
14 ~~arrival or early dismissal of students on a specific day.~~

15 ~~b. If the total hours of instructional school time for~~
16 ~~grades one through twelve for any five consecutive school days~~
17 ~~equal a minimum of twenty-seven and one-half hours, even though~~
18 ~~any one day of school is less than the minimum instructional~~
19 ~~hours because of a staff development opportunity provided for~~
20 ~~the professional instructional staff or because parent-teacher~~
21 ~~conferences have been scheduled beyond the regular school day.~~
22 ~~Furthermore, if the total hours of instructional time for the~~
23 ~~first four consecutive days equal at least twenty-seven and~~
24 ~~one-half hours because parent-teacher conferences have been~~
25 ~~scheduled beyond the regular school day, a school or school~~
26 ~~district may record zero hours of instructional time on the~~
27 ~~fifth consecutive school day as a minimum school day.~~

28 Sec. 2. Section 256F.4, subsection 5, Code 2013, is amended
29 to read as follows:

30 5. A charter school or innovation zone school shall provide
31 instruction for at least the number of days hours required by
32 section 279.10, subsection 1, ~~or shall provide at least the~~
33 ~~equivalent number of total hours.~~

34 Sec. 3. Section 279.10, subsection 1, Code 2013, is amended
35 to read as follows:

LSB 1066HV (4) 85

-1-

je/nh

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 352

1 1. The school year for each school district and accredited
2 nonpublic school shall begin on ~~the first day of~~ July 1 and
3 each regularly established elementary and secondary school
4 shall begin no sooner than a day during the calendar week
5 in which the first day of September falls but no later than
6 the first Monday in December. However, if the first day of
7 September falls on a Sunday, school may begin on a day during
8 the calendar week which immediately precedes the first day of
9 September. ~~School shall continue for at least one hundred~~
10 ~~eighty days, except as provided in subsection 3, and may be~~
11 ~~maintained~~ The school calendar shall include not less than one
12 thousand eighty hours of instruction during the entire calendar
13 year. However, if The board of directors of a school district
14 and the authorities in charge of an accredited nonpublic
15 school shall set the number of days of required attendance
16 for the school year as provided in section 299.1, subsection
17 2, but the board of directors of a school district shall
18 hold a public hearing on any proposed school calendar prior
19 to adopting the school calendar. If the board of directors
20 of a district or the authorities in charge of an accredited
21 nonpublic school extends the school calendar because inclement
22 weather caused the school district or accredited nonpublic
23 school to temporarily close school during the regular school
24 calendar, the school district or accredited nonpublic school
25 may excuse a graduating senior who has met district or school
26 requirements for graduation from attendance during the extended
27 school calendar. A school corporation may begin employment
28 of personnel for in-service training and development purposes
29 before the date to begin elementary and secondary school.
30 Sec. 4. Section 279.10, subsections 2 and 3, Code 2013, are
31 amended by striking the subsections.
32 Sec. 5. Section 299.4, subsection 1, Code 2013, is amended
33 to read as follows:
34 1. The parent, guardian, or legal custodian of a child who
35 is of compulsory attendance age, who places the child under

LSB 1066HV (4) 85
je/nh

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 352

1 competent private instruction under either section 299A.2 or
2 299A.3, not in an accredited school or a home school assistance
3 program operated by a school district or accredited nonpublic
4 school, shall furnish a report in duplicate on forms provided
5 by the public school district, to the district by ~~the earliest~~
6 ~~starting date specified in section 279.10, subsection 1~~
7 September 1 of the school year in which the child will be under
8 competent private instruction. The secretary shall retain and
9 file one copy and forward the other copy to the district's
10 area education agency. The report shall state the name and
11 age of the child, the period of time during which the child
12 has been or will be under competent private instruction for
13 the year, an outline of the course of study, texts used, and
14 the name and address of the instructor. The parent, guardian,
15 or legal custodian of a child, who is placing the child under
16 competent private instruction for the first time, shall also
17 provide the district with evidence that the child has had the
18 immunizations required under section 139A.8, and, if the child
19 is elementary school age, a blood lead test in accordance with
20 section 135.105D. The term "*outline of course of study*" shall
21 include subjects covered, lesson plans, and time spent on the
22 areas of study.

23 Sec. 6. REPEAL. Section 256.22, Code 2013, is repealed.

24 Sec. 7. EFFECTIVE DATE. This Act takes effect July 1, 2014.

25 EXPLANATION

26 This bill strikes language requiring accredited schools to
27 provide at least 180 instructional days in a school year and
28 specifying what does and what does not constitute instructional
29 time. The bill replaces the language requiring a 180-day
30 school calendar with a requirement that accredited schools
31 provide at least 1,080 instructional hours during the school
32 calendar in a school year.

33 The school districts and accredited nonpublic schools set
34 the number of days of required attendance for the school year,
35 but school districts must hold a public hearing on a proposed

LSB 1066HV (4) 85

-3-

je/nh

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 352

1 school calendar prior to adopting the school calendar.
2 The bill modifies a provision requiring the state board
3 of education to define the minimum school day. Under the
4 bill, instructional time for grades 1 through 12 is still
5 exclusive of the lunch period and may include passing time
6 between classes, but parent-teacher conferences do not qualify
7 as instructional time. The bill strikes language that permits
8 a school or school district to record a day of school with
9 less than the minimum instructional hours as a minimum school
10 day for emergency health or safety factors and for staff
11 development opportunities.
12 The bill makes conforming changes, including giving a
13 parent, whose child is under competent private instruction,
14 until September 1 to furnish a report providing information
15 about the child and the competent private instruction to the
16 school district of residence. The bill strikes or repeals
17 language that permits the department of education to approve an
18 innovative school year pilot program and language that requires
19 the department to establish an extended year school grant
20 program subject to an appropriation.
21 The bill takes effect July 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 353 - Introduced

HOUSE FILE 353
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 151)

A BILL FOR

1 An Act relating to matters under the purview of the banking
2 division of the department of commerce.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2165HV (1) 85
rn/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 Section 1. Section 12C.7, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. A depository ~~shall not directly or indirectly may~~ pay
4 interest to a public officer on a ~~demand deposit~~ deposits
5 of public funds, and a public officer ~~shall not may~~ take or
6 receive interest on ~~demand~~ deposits of public funds. ~~This~~
7 ~~provision does not apply to interest on time certificates of~~
8 ~~deposit or savings accounts for public funds.~~

9 Sec. 2. Section 524.904, subsection 5, paragraph b,
10 subparagraph (1), Code 2013, is amended by striking the
11 subparagraph.

12 Sec. 3. Section 533A.2, Code 2013, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 7. The superintendent may authorize
15 applicants and licensees to be licensed through a nationwide
16 licensing system and to pay the corresponding system processing
17 fees. The superintendent may establish by rule or order
18 new requirements as necessary, including but not limited to
19 requirements that applicants, including officers and directors
20 and those who have control of the applicant, submit to
21 fingerprinting and criminal history checks.

22 NEW SUBSECTION. 8. For the purposes of this section and in
23 order to reduce the points of contact which the federal bureau
24 of investigation may be required to maintain for purposes
25 of subsection 7, the superintendent may use the nationwide
26 licensing system as a channeling agent for requesting
27 information from and distributing information to the United
28 States department of justice or other governmental agency, or
29 to or from any other source so directed by the superintendent.

30 Sec. 4. Section 533A.4, Code 2013, is amended to read as
31 follows:

32 **533A.4 Expiration date.**

33 The license issued under this chapter shall expire on
34 ~~July 1 next~~ December 31 following its issuance unless sooner
35 surrendered, revoked, or suspended, but may be renewed as



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 provided in this chapter.

2 Sec. 5. Section 533A.5, subsection 1, Code 2013, is amended
3 to read as follows:

4 1. To continue in the business of debt management, each
5 licensee shall annually apply on or before ~~June~~ December
6 1 to the superintendent for renewal of its license. The
7 superintendent may assess a late fee of ten dollars per day for
8 applications submitted and accepted for processing after ~~June~~
9 December 1.

10 Sec. 6. Section 533A.10, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 4. The superintendent may receive
13 documents, materials, or other information, including otherwise
14 confidential and privileged documents, materials, or other
15 information, through a nationwide licensing system and from
16 other local, state, federal, or international regulatory
17 agencies, the conference of state bank supervisors and
18 its affiliates and subsidiaries, the national association
19 of consumer credit administrators and its affiliates and
20 subsidiaries, and any other regulator association, and shall
21 maintain as confidential and privileged any such document,
22 material, or other information received with notice or the
23 understanding that it is confidential or privileged under the
24 laws of the jurisdiction that is the source of the document,
25 material, or other information.

26 Sec. 7. Section 533C.202, subsection 4, Code 2013, is
27 amended to read as follows:

28 4. A nonrefundable application fee of one thousand dollars
29 and a license fee must accompany an application for a license
30 under this article. The license fee must be refunded if the
31 application is denied. The license fee shall be the sum of
32 five hundred dollars plus an additional ten dollars for each
33 location in this state at which business is conducted through
34 authorized delegates or employees of the licensee, but shall
35 not exceed five thousand dollars. Fees for locations added



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 after the initial application shall be submitted with the
2 quarterly reports pursuant to section 533C.503, subsection
3 2. If the licensee has no locations in this state at which
4 business is conducted through authorized delegates or
5 employees of the licensee, the license fee shall be set by the
6 superintendent, but shall not exceed five thousand dollars. A
7 license under this article expires on the next ~~September 30~~
8 December 31 after its issuance. The initial license fee is
9 considered an annual fee and the superintendent shall prorate
10 the license fee, refunding any amount due to a partial license
11 year. However, no refund of a license fee shall be made when a
12 license is suspended, revoked, or surrendered.

13 Sec. 8. Section 533C.202, Code 2013, is amended by adding
14 the following new subsections:

15 NEW SUBSECTION. 6. The superintendent may authorize
16 applicants and licensees to be licensed through a nationwide
17 licensing system and to pay the corresponding system processing
18 fees. The superintendent may establish by rule or order
19 new licensing requirements as necessary, including but not
20 limited to requirements that applicants, including officers and
21 directors and those who have control of the applicant, submit
22 to fingerprinting and criminal history checks.

23 NEW SUBSECTION. 7. For the purposes of this section and in
24 order to reduce the points of contact which the federal bureau
25 of investigation may be required to maintain for purposes
26 of subsection 6, the superintendent may use the nationwide
27 licensing system as a channeling agent for requesting
28 information from and distributing information to the United
29 States department of justice or other governmental agency, or
30 to or from any other source so directed by the superintendent.

31 Sec. 9. Section 533C.205, subsections 1 and 3, Code 2013,
32 are amended to read as follows:

33 1. A licensee under this article shall pay an annual
34 renewal fee as determined below by no later than ~~September~~
35 December 1 of the year of expiration. The renewal fee shall be

LSB 2165HV (1) 85
rn/nh

3/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 five hundred dollars plus an additional ten dollars for each
2 location in this state at which business is conducted through
3 authorized delegates or employees of the licensee, but shall
4 not exceed five thousand dollars. Fees for locations added
5 after submission of the renewal application shall be submitted
6 with the quarterly reports pursuant to section 533C.503,
7 subsection 2. If the licensee has no locations in this state
8 at which business is conducted through authorized delegates
9 or employees of the licensee, the license fee shall be set
10 by the superintendent, but shall not exceed five thousand
11 dollars. ~~Licenses issued under chapter 533B, Code 2003, will~~
12 ~~be initially renewed as provided in section 533C.904.~~

13 3. If a licensee does not file a renewal report or pay its
14 renewal fee by ~~September~~ December 1, or any extension of time
15 granted by the superintendent, the superintendent may assess a
16 late fee of one hundred dollars per day.

17 Sec. 10. Section 533C.302, subsection 2, Code 2013, is
18 amended to read as follows:

19 2. A nonrefundable application fee of one thousand dollars
20 and the license fee must accompany an application for a license
21 under this article. The license fee shall be the sum of five
22 hundred dollars plus an additional one hundred dollars for each
23 location at which business is conducted, but not to exceed two
24 thousand dollars. Fees for locations added after the initial
25 application shall be submitted with the quarterly reports
26 pursuant to section 533C.503, subsection 2. The license fee
27 must be refunded if the application is denied. A license under
28 this article expires on the next ~~September 30~~ December 31 of an
29 odd-ending year after its issuance. The initial license fee is
30 considered a biennial fee and the superintendent shall prorate
31 the license fee, refunding any amount due to a partial license
32 period. However, no refund of a license fee shall be made when
33 a license is suspended, revoked, or surrendered.

34 Sec. 11. Section 533C.302, Code 2013, is amended by adding
35 the following new subsections:

LSB 2165HV (1) 85

-4-

rn/nh

4/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 NEW SUBSECTION. 3. The superintendent may authorize
2 applicants and licensees to be licensed through a nationwide
3 licensing system and to pay the corresponding system processing
4 fees. The superintendent may establish by rule or order
5 new requirements as necessary, including but not limited to
6 requirements that applicants, including officers and directors
7 and those who have control of the applicant, submit to
8 fingerprinting and criminal history checks.

9 NEW SUBSECTION. 4. For the purposes of this section and in
10 order to reduce the points of contact which the federal bureau
11 of investigation may be required to maintain for purposes
12 of subsection 3, the superintendent may use the nationwide
13 licensing system as a channeling agent for requesting
14 information from and distributing information to the United
15 States department of justice or other governmental agency, or
16 to or from any other source so directed by the superintendent.

17 Sec. 12. Section 533C.304, subsections 1 and 3, Code 2013,
18 are amended to read as follows:

19 1. A licensee under this article shall pay a biennial
20 renewal fee no later than ~~September~~ December 1 of an odd-ending
21 year. The biennial renewal fee shall be the sum of five
22 hundred dollars plus an additional one hundred dollars for
23 each location at which business is conducted, but shall not
24 exceed two thousand dollars. Fees for locations added after
25 the initial application shall be submitted with the quarterly
26 reports pursuant to section 533C.503, subsection 2.

27 3. If a licensee does not file a renewal report and pay
28 its renewal fee by ~~September~~ December 1 of an odd-ending year,
29 or any extension of time granted by the superintendent, the
30 superintendent may assess a late fee of one hundred dollars per
31 day.

32 Sec. 13. Section 533C.507, Code 2013, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 7. The superintendent may receive
35 documents, materials, or other information, including otherwise

LSB 2165HV (1) 85

-5-

rn/nh

5/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 confidential and privileged documents, materials, or other
2 information, through a nationwide licensing system and from
3 other local, state, federal, or international regulatory
4 agencies, the conference of state bank supervisors and
5 its affiliates and subsidiaries, the national association
6 of consumer credit administrators and its affiliates and
7 subsidiaries, the money transmitter regulators association,
8 and any other regulator associations, and shall maintain as
9 confidential and privileged any such document, material, or
10 other information received with notice or the understanding
11 that it is confidential or privileged under the laws of the
12 jurisdiction that is the source of the document, material, or
13 other information.

14 Sec. 14. Section 533C.904, Code 2013, is amended by striking
15 the section and inserting in lieu thereof the following:

16 **533C.904 Applicability.**

17 This chapter applies to the provision of money services on or
18 after October 1, 2003.

19 Sec. 15. Section 533D.3, subsection 3, unnumbered paragraph
20 1, Code 2013, is amended to read as follows:

21 The application required by this section shall be submitted
22 with ~~both of~~ the following:

23 Sec. 16. Section 533D.3, subsection 6, Code 2013, is amended
24 to read as follows:

25 6. a. A license issued pursuant to this chapter shall
26 be conspicuously posted at the licensee's place of business.
27 A license shall remain in effect until the next succeeding
28 ~~May~~ January 1, unless earlier suspended or revoked by the
29 superintendent.

30 b. A license shall be renewed annually by filing with the
31 superintendent on or before ~~April~~ December 1 an application
32 for renewal containing such information as the superintendent
33 may require to indicate any material change in the information
34 contained in the original application or succeeding renewal
35 applications and a renewal fee of two hundred fifty dollars.

LSB 2165HV (1) 85
rn/nh

6/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 c. The superintendent may assess a late fee of ten dollars
2 per day for applications submitted and accepted for processing
3 after ~~April~~ December 1.

4 Sec. 17. Section 533D.3, Code 2013, is amended by adding the
5 following new subsections:

6 NEW SUBSECTION. 7. The superintendent may authorize
7 applicants and licensees to be licensed through a nationwide
8 licensing system and to pay the corresponding system processing
9 fees. The superintendent may establish by rule or order
10 new requirements as necessary, including but not limited to
11 requirements that applicants, including officers and directors
12 and those who have control of the applicant, submit to
13 fingerprinting and criminal history checks.

14 NEW SUBSECTION. 8. For the purposes of this section and in
15 order to reduce the points of contact which the federal bureau
16 of investigation may be required to maintain for purposes
17 of subsection 7, the superintendent may use the nationwide
18 licensing system as a channeling agent for requesting
19 information from and distributing information to the United
20 States department of justice or other governmental agency, or
21 to or from any other source so directed by the superintendent.

22 Sec. 18. Section 533D.11, Code 2013, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 6. The superintendent may receive
25 documents, materials, or other information, including otherwise
26 confidential and privileged documents, materials, or other
27 information, through a nationwide licensing system and from
28 other local, state, federal, or international regulatory
29 agencies, the conference of state bank supervisors and
30 its affiliates and subsidiaries, the national association
31 of consumer credit administrators and its affiliates and
32 subsidiaries, and any other regulator association, and shall
33 maintain as confidential and privileged any such document,
34 material, or other information received with notice or the
35 understanding that it is confidential or privileged under the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 laws of the jurisdiction that is the source of the document,
2 material, or other information.

3 Sec. 19. Section 535D.15, subsection 1, Code 2013, is
4 amended to read as follows:

5 1. Except as otherwise provided by this chapter, all papers,
6 documents, examination reports, and other writings relating to
7 the supervision of licensees are not public records and are not
8 subject to disclosure under chapter 22. Except as otherwise
9 provided in section 1512 of the federal Housing and Economic
10 Recovery Act of 2008, Pub. L. No. 110-289, the requirements
11 under any federal law or chapter 22 or 692 regarding the
12 privacy or confidentiality of any information or material
13 provided to the nationwide mortgage licensing system and
14 registry, and any privilege arising under federal or state law,
15 including the rules of any federal or state court, with respect
16 to such information or material, shall continue to apply to
17 such information or material after the information or material
18 has been disclosed to the nationwide mortgage licensing system
19 and registry. Such information and material may be shared
20 with any state or federal regulatory official with mortgage
21 industry oversight authority without the loss of privilege or
22 the loss of confidentiality protections provided by federal law
23 or chapter 22 or 692.

24 Sec. 20. Section 542B.14, subsection 1, paragraph a,
25 subparagraphs (2) and (4), Code 2013, are amended to read as
26 follows:

27 (2) Successfully passing a ~~written, oral, or written and~~
28 ~~oral~~ an examination in fundamental engineering subjects which
29 is designed to show the knowledge of general engineering
30 principles. A person passing the examination in fundamental
31 engineering subjects is entitled to a certificate as an
32 engineer intern.

33 (4) Successfully passing a ~~written, oral, or written and~~
34 ~~oral~~ an examination designed to determine the proficiency and
35 qualifications to engage in the practice of engineering. No



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 applicant shall be entitled to take this examination until
2 the applicant shows the necessary practical experience in
3 engineering work.

4 Sec. 21. Section 542B.14, subsection 1, paragraph b,
5 subparagraphs (2) and (4), Code 2013, are amended to read as
6 follows:

7 (2) Successfully passing a ~~written, oral, or written and~~
8 ~~oral~~ an examination in fundamental land surveying subjects
9 which is designed to show the knowledge of general land
10 surveying principles.

11 (4) Successfully passing a ~~written, oral, or written and~~
12 ~~oral~~ an examination designed to determine the proficiency and
13 qualifications to engage in the practice of land surveying.
14 No applicant shall be entitled to take this examination until
15 the applicant shows the necessary practical experience in land
16 surveying work.

17 Sec. 22. Section 542B.15, Code 2013, is amended to read as
18 follows:

19 **542B.15 Examinations — report required.**

20 Examinations for licensure shall be given as often as deemed
21 necessary by the board, but no less than one time per year. The
22 scope of the examinations and the methods of procedure shall be
23 prescribed by the board. Any ~~written~~ examination may be given
24 by representatives of the board. ~~All examinations in theory~~
25 ~~shall be in writing and the~~ The identity of the person taking
26 the examination shall be concealed until after the examination
27 ~~papers have~~ has been graded. ~~For examinations in practice,~~
28 ~~the identity of the person taking the examination shall also~~
29 ~~be concealed as far as possible.~~ As soon as practicable after
30 the close of each examination, a report shall be filed in the
31 office of the secretary of the board by the board. The report
32 shall show the action of the board upon each application and
33 the secretary of the board shall notify each applicant of the
34 result of the applicant's examination. Applicants who fail the
35 examination once shall be allowed to take the examination at

LSB 2165HV (1) 85

-9-

rn/nh

9/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 the next scheduled time. Thereafter, the applicant shall be
2 allowed to take the examination at the discretion of the board.
3 An applicant who has failed the examination may request in
4 writing information from the board concerning the applicant's
5 examination grade and subject areas or questions which the
6 applicant failed to answer correctly, except that if the board
7 administers a uniform, standardized examination, the board
8 shall only be required to provide the examination grade and
9 such other information concerning the applicant's examination
10 results which are available to the board.

11 Sec. 23. Section 543B.20, Code 2013, is amended to read as
12 follows:

13 **543B.20 ~~Written examination~~ Examination.**

14 Examinations for registration shall be given as often as
15 deemed necessary by the real estate commission, but no less
16 than one time per year. Each applicant for a license must
17 pass ~~a written~~ an examination authorized by the commission and
18 administered by the commission or persons designated by the
19 commission. The examination shall be of scope and wording
20 sufficient in the judgment of the commission to establish the
21 competency of the applicant to act as a real estate broker
22 or salesperson in a manner to protect the interests of the
23 public. An examination for a real estate broker shall be of a
24 more exacting nature than that for a real estate salesperson
25 and require higher standards of knowledge of real estate. ~~All~~
26 ~~examinations in real estate theory shall be in writing and the~~
27 The identity of the persons taking the examinations shall be
28 concealed until after the examination ~~papers have~~ has been
29 graded. ~~For examinations in practice, the identity of the~~
30 ~~persons taking the examinations shall also be concealed as~~
31 ~~far as possible.~~ A person who fails to pass either ~~written~~
32 examination once may immediately apply to take the next
33 available examination. Thereafter, the applicant may take the
34 examination at the discretion of the commission. An applicant
35 who has failed either examination may request in writing

LSB 2165HV (1) 85

-10-

rn/nh

10/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 information from the commission concerning the applicant's
2 examination grade and subject areas or questions which the
3 applicant failed to answer correctly, except that if the
4 commission administers a uniform, standardized examination, the
5 commission is only required to provide the examination grade
6 and other information concerning the applicant's examination
7 results which is available to the commission.

8 Sec. 24. Section 543D.4, Code 2013, is amended to read as
9 follows:

10 **543D.4 Iowa real estate appraiser board.**

11 A real estate appraiser examining board is established
12 within the professional licensing and regulation bureau of the
13 banking division of the department of commerce. The board
14 consists of seven members, two of whom shall be public members
15 and five of whom shall be certified real estate appraisers.

16 1. The governor shall appoint the members of the board who
17 are subject to confirmation by the senate. The governor may
18 remove a member for cause.

19 ~~2. Appointees shall possess or maintain at least those~~
20 ~~standards of ethics, education, and experience required by~~
21 ~~federal regulations.~~

22 ~~3. 2. Each real estate appraiser member of the board~~
23 ~~appointed after January 1, 1992, must be a certified real~~
24 ~~estate appraiser. A certified real estate appraiser member of~~
25 ~~the board shall be actively engaged in practice as a certified~~
26 ~~real estate appraiser and shall have been so engaged for five~~
27 ~~years preceding appointment, the last two of which shall have~~
28 ~~been in this state.~~ The governor shall attempt to represent
29 each class of certified appraisers in making the appointments.

30 ~~4. 3. The term of each member is three years, except that,~~
31 ~~of the members first appointed, two shall be appointed for~~
32 ~~two years and two shall be appointed for one year. Vacancies~~
33 ~~occurring during a term shall be filled by appointment by the~~
34 ~~governor for the unexpired term.~~

35 ~~5. 4. Upon expiration of their terms, members of the~~

LSB 2165HV (1) 85

-11-

rn/nh

11/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 board shall continue to hold office until the appointment and
2 qualification of their successors. A person shall not serve
3 as a member of the board for more than ~~two consecutive~~ three
4 terms, but appointment to fill an unexpired term shall not be
5 considered a complete term for this purpose.

6 ~~6.~~ 5. The public members of the board shall not engage in
7 the practice of real estate appraising.

8 ~~7.~~ 6. The board shall meet at least once each calendar
9 quarter to conduct its business.

10 ~~8.~~ 7. The members of the board shall elect a chairperson
11 from among the members to preside at board meetings.

12 ~~9.~~ 8. A quorum of the board is four members. ~~At least~~
13 ~~three of the four members shall be appraiser members.~~

14 9. Members of the board are entitled to receive a per diem
15 as specified in section 7E.6 for each day spent in performance
16 of duties as members and shall be reimbursed for all actual
17 and necessary expenses incurred in the performance of duties
18 as members.

19 Sec. 25. Section 543D.5, Code 2013, is amended to read as
20 follows:

21 **543D.5 Powers of the board.**

22 1. The board shall adopt rules establishing uniform
23 appraisal standards and appraiser certification requirements
24 and other rules necessary to administer and enforce this
25 chapter and its responsibilities under chapter 272C. The
26 board shall consider and may incorporate any standards
27 required or recommended by the appraisal foundation, or by a
28 professional appraisal organization, or by a public authority
29 or organization responsible to review appraisals or for
30 the oversight of appraisers federal agency with regulatory
31 authority over appraisal standards or the certification of
32 appraisers for federally related transactions.

33 2. The uniform appraisal standards shall meet all of the
34 following requirements:

35 a. Require compliance with federal law and appraisal



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 standards adopted by federal authorities as they apply to
2 federally ~~covered~~ related transactions. This paragraph does
3 not require that an appraiser invoke a jurisdictional exception
4 to the uniform standards of professional appraisal practice
5 in order to comply with federal law and appraisal standards
6 adopted by federal authorities as they apply to federally
7 ~~covered~~ related transactions, unless federal law requires that
8 the exception be invoked.

9 **b.** Develop standards for the scope of practice for certified
10 real estate appraisers.

11 **c.** Required compliance with the uniform standards of
12 professional appraisal practice in all appraisal assignments.

13 3. Appraiser certification requirements shall require a
14 demonstration that the applicant has a working knowledge of
15 current appraisal theories, practices, and techniques which
16 will provide a high degree of service and protection to members
17 of the public dealt with in a professional relationship under
18 authority of the certification. The board shall establish the
19 examination specifications for each category of certified real
20 estate appraiser, provide or procure appropriate examinations,
21 establish procedures for grading examinations, receive and
22 approve or disapprove applications for certification, and issue
23 certificates.

24 4. The board shall maintain a registry of the names and
25 ~~addresses~~ certificate numbers of appraisers certified under
26 this chapter ~~and retain records and application materials~~
27 ~~submitted to the board~~ and the names and registration numbers
28 of associate appraisers registered under this chapter.

29 Sec. 26. Section 543D.8, unnumbered paragraph 1, Code 2013,
30 is amended to read as follows:

31 An original certification as a certified real estate
32 appraiser shall not be issued to a person who has not
33 demonstrated through ~~a written~~ an examination that the person
34 possesses the following knowledge and understanding:

35 Sec. 27. Section 543D.16, subsection 2, Code 2013, is

LSB 2165HV (1) 85

-13-

rn/nh

13/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 amended to read as follows:

2 2. The basic continuing education requirement for renewal
3 of certification shall be the completion, before June 30 of
4 the year in which the appraiser's certificate expires, of the
5 number of hours of instruction required by the board in courses
6 or seminars which have received the preapproval of the board.
7 ~~Instructional hours by correspondence and home study courses~~
8 ~~claimed by an appraiser shall not exceed fifty percent of the~~
9 ~~required hours of instruction necessary for renewal.~~

10 Sec. 28. **NEW SECTION. 543D.22 Criminal background checks.**

11 1. The board may require a national criminal history check
12 through the federal bureau of investigation for applicants
13 for certification or registration, or for persons certified
14 or registered, under this chapter if needed to comply with
15 federal law or regulation, or the policies of the appraisal
16 qualification board of the appraisal foundation.

17 2. The board may require applicants, certificate holders,
18 or registrants to provide a full set of fingerprints, in a
19 form and manner prescribed by the board. Such fingerprints,
20 if required, shall be submitted to the federal bureau of
21 investigation through the state criminal history repository for
22 purposes of the national criminal history check.

23 3. The board may also request and obtain, notwithstanding
24 section 692.2, subsection 5, criminal history data for
25 applicants, certificate holders, and registrants. A request
26 for criminal history data shall be submitted to the department
27 of public safety, division of criminal investigation, pursuant
28 to section 692.2, subsection 1.

29 4. The board shall inform the applicant, certificate
30 holder, or registrant of the requirement of a national criminal
31 history check or request for criminal history data and obtain
32 a signed waiver from the applicant, certificate holder, or
33 registrant prior to requesting the check or data.

34 5. The board may, in addition to any other fees, charge
35 and collect such amounts as may be incurred by the board, the

LSB 2165HV (1) 85

-14-

rn/nh

14/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 department of public safety, or federal bureau of investigation
2 in obtaining criminal history information. Amounts collected
3 shall be considered repayment receipts as defined in section
4 8.2, subsection 8.

5 6. Criminal history data and other criminal history
6 information relating to an applicant, certificate holder, or
7 registrant obtained by the board pursuant to this section is
8 confidential. Such information may, however, be used by the
9 board in a certificate or registration denial or disciplinary
10 proceeding.

11 Sec. 29. Section 544A.21, Code 2013, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **544A.21 Practice by business entities.**

14 The board shall adopt rules to govern the practice of
15 architecture through business entities to protect the public
16 from misleading and deceptive advertising and to guard against
17 the unlicensed practice of architecture.

18 Sec. 30. LICENSE EXPIRATION DATES — TRANSITION
19 PROVISIONS. A license which would otherwise expire on or
20 before the effective date of this Act pursuant to Code sections
21 533A.4 and 533D.3 shall remain in full force and effect until
22 December 31, 2013, or January 1, 2014, as applicable.

23 EXPLANATION

24 This bill relates to matters under the purview of the banking
25 division of the department of commerce.

26 The bill amends provisions which currently prohibit a
27 depository, defined as a bank or credit union in which public
28 funds are deposited, from directly or indirectly paying
29 interest to a public officer on a demand deposit of public
30 funds, and prohibit a public officer from taking or receiving
31 interest. The bill provides that a depository may pay interest
32 to a public officer on deposits of public funds, and a public
33 officer may take or receive it. The bill deletes a provision
34 that the previous prohibition did not apply to interest on time
35 certificates of deposit or savings accounts for public funds.

LSB 2165HV (1) 85

-15-

rn/nh

15/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 The bill deletes a provision characterizing a borrowing
2 group, for purposes of loans and extensions of credit by a
3 state bank, as including a person and any legal entity where
4 the interests of a group of more than one borrower, or any
5 combination of the members of the group, are so interrelated
6 that they should be considered a unit for the purpose of
7 applying lending limit limitations.

8 The bill makes several similar modifications throughout
9 Code chapters 533A (relating to engaging in the business of
10 debt management), 533C (relating to engaging in the business
11 of money transmission and engaging in the business of currency
12 exchange), and 533D (relating to engaging in a delayed deposit
13 service business). The bill provides that the superintendent
14 of banking may authorize applicants and licensees to be
15 licensed through a nationwide licensing system and to pay
16 the corresponding system processing fees, and that the
17 superintendent may establish by rule or order new requirements
18 including but not limited to requirements that applicants,
19 including officers and directors and those who have control of
20 the applicant, submit to fingerprinting and criminal history
21 checks. The bill states that in order to reduce the points of
22 contact which the federal bureau of investigation may have to
23 maintain the superintendent may use the nationwide licensing
24 system as a channeling agent for requesting information from
25 and distributing information to the United States department of
26 justice or other governmental agency, or to or from any other
27 source so directed by the superintendent.

28 Also, with reference to Code chapters 533A, 533C, and
29 533D, the bill provides that the superintendent may receive
30 documents, materials, or other information, including otherwise
31 confidential and privileged documents, materials, or other
32 information, through a nationwide licensing system and from
33 other local, state, federal, or international regulatory
34 agencies, the conference of state bank supervisors and
35 its affiliates and subsidiaries, the national association

LSB 2165HV (1) 85
rn/nh

16/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 of consumer credit administrators and its affiliates and
2 subsidiaries, and any other regulator associations, and shall
3 maintain as confidential and privileged any such document,
4 material, or other information received with notice or the
5 understanding that it is confidential or privileged under the
6 laws of the jurisdiction that is the source of the document,
7 material, or other information.

8 Additionally, with reference to Code chapters 533A, 533C,
9 and 533D, the bill makes licensure expiration and renewal dates
10 consistent as December 1 for renewal and either December 31 or
11 January 1 (in the case of a delayed deposit services business)
12 for expiration.

13 The bill provides transition provisions specifying that
14 licenses which would otherwise have expired on or before the
15 bill's effective date of July 1, 2013, shall remain in full
16 force and effect until the expiration date as modified by the
17 bill.

18 The bill deletes outdated references to licensure under Code
19 chapter 533B, Code 2003, and related transition provisions,
20 contained in Code section 533C.904.

21 The bill adds to confidentiality provisions relating to the
22 mortgage licensing Act contained in Code section 535D.15. The
23 bill states that, except as otherwise provided by the Code
24 chapter, all papers, documents, examination reports, and other
25 writings relating to the supervision of licensees are not
26 public records and are not subject to disclosure under Code
27 chapter 22.

28 The bill changes the requirements for the five real estate
29 appraiser members of the Iowa real estate appraiser board
30 to require that they be actively engaged in practice as a
31 certified real estate appraiser and shall have been so engaged
32 for five years preceding their appointment, with at least
33 the last two years in this state. The bill makes conforming
34 changes consistent with this modification, and provides
35 that vacancies occurring during a term shall be filled by

LSB 2165HV (1) 85
rn/nh

17/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 appointment by the governor for the unexpired term. The
2 bill permits a member to serve for three consecutive terms,
3 an increase from the current limit of two such terms, and
4 states that appointment to fill an unexpired term shall not
5 be considered a complete term for this purpose. The bill
6 authorizes members to be eligible for per diem and actual and
7 necessary expenses. Further, the bill modifies provisions
8 which had previously stated that the board shall consider and
9 may incorporate any standards recommended by the appraisal
10 foundation, or by a professional appraisal organization, or
11 by a public authority or organization responsible to review
12 appraisals or for the oversight of appraisers. This provision
13 is modified to refer to consideration and incorporation of any
14 standards required or recommended by the appraisal foundation
15 or by a federal agency with regulatory authority over appraisal
16 standards or the certification of appraisers for federally
17 related transactions.

18 The bill provides that uniform appraisal standards shall,
19 in addition to the current requirements, require compliance
20 with the uniform standards of professional appraisal practice
21 in all appraisal assignments. The bill also provides that the
22 board shall maintain a registry of the names and certificate
23 numbers, instead of addresses, of certified appraisers and
24 the names and registration numbers of registered associate
25 appraisers. The bill deletes a provision, with reference
26 to continuing education requirements, that instructional
27 hours by correspondence and home study courses claimed by an
28 appraiser shall not exceed 50 percent of the required hours of
29 instruction necessary for renewal.

30 Again with reference to real estate appraisers, the bill
31 adds provisions relating to criminal background checks.
32 The bill states that the board is authorized to require a
33 national criminal history check through the federal bureau
34 of investigation for applicants, certificate holders, or
35 registrants if needed to comply with federal law or regulation,

LSB 2165HV (1) 85

-18-

rn/nh

18/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 353

1 or the policies of the appraisal qualification board of the
2 appraisal foundation. The bill states that the board is also
3 authorized to request and obtain state criminal history data
4 for applicants, certificate holders, and registrants. The
5 bill specifies that a request for criminal history data shall
6 be submitted to the department of public safety, division
7 of criminal investigation, pursuant to Code section 692.2,
8 subsection 1. The bill authorizes the board, in addition to
9 any other fees, to charge and collect such amounts as may
10 be incurred by the board, the department of public safety,
11 or federal bureau of investigation, in obtaining criminal
12 history information. The board shall inform the applicant,
13 certificate holder, or registrant of the requirement of a
14 national criminal history check or request for criminal history
15 data and obtain a signed waiver from the applicant, certificate
16 holder, or registrant prior to requesting the check or data.
17 Additionally, the bill specifies that criminal history data and
18 other criminal history information relating to an applicant,
19 certificate holder, or registrant obtained by the board is
20 confidential but may be used by the board in a certificate or
21 registration denial or disciplinary proceeding.

22 The bill deletes references to a "written" or "oral"
23 examination in relation to engineering, land surveying, real
24 estate broker and salesperson, and real estate appraiser
25 licensing examinations in favor of the nonspecific reference
26 to "examinations".

27 Finally, the bill deletes current detailed provisions
28 contained in Code section 544A.21 imposing requirements
29 relating to the practice of architecture through business
30 entities to protect the public from misleading and deceptive
31 advertising and to guard against the unlicensed practice of
32 architecture. The provisions are replaced with the statement
33 that the board shall adopt rules regarding the practice of
34 architecture through business entities.

LSB 2165HV (1) 85
rn/nh

19/19



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 354 - Introduced

HOUSE FILE 354
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 78)

A BILL FOR

1 An Act authorizing local authorities to permit parking on the
2 left side of a roadway during periods of winter weather.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1182HV (1) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 354

1 Section 1. Section 321.361, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. Local authorities may by ordinance
4 permit vehicles stopped or parked upon a roadway where there
5 are adjacent curbs to be stopped or parked with the left-hand
6 wheels of the vehicle adjacent to and within eighteen inches of
7 the left-hand curb during periods of snow, sleet, or freezing
8 rain or when snow or ice has accumulated on the roadway, if
9 stopping or parking in such a manner is deemed by the local
10 authorities to be safer under such conditions than stopping or
11 parking as provided in subsection 1. However, an ordinance
12 adopted under this subsection shall not apply to a road which
13 is a primary road extension.

14 EXPLANATION

15 This bill relates to parking on the left side of a two-way
16 roadway. Current law prohibits parking with the vehicle's
17 left-hand wheels adjacent to the left-hand curb unless the
18 roadway is a one-way roadway. The bill permits a political
19 subdivision of the state to adopt an ordinance allowing a
20 vehicle to be parked on a roadway with the left-hand wheels
21 adjacent to and within 18 inches of the left-hand curb if
22 the political subdivision deems it safer than parking on the
23 right-hand side of the street during periods of snow, sleet,
24 or freezing rain or when snow or ice has accumulated on the
25 roadway. The provision does not apply to a road which is a
26 primary road extension.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 355 - Introduced

HOUSE FILE 355
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 56)

A BILL FOR

1 An Act relating to the renewal of driver's licenses
2 electronically and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1288HV (1) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 355

1 Section 1. Section 321.196, subsection 4, Code 2013, is
2 amended to read as follows:

3 4. The department in its discretion may authorize the
4 renewal of a valid driver's license other than a commercial
5 driver's license upon application without an examination
6 provided that the applicant meets one of the following
7 conditions:

8 a. The applicant satisfactorily passes a vision test as
9 prescribed by the department ~~or~~.

10 b. The applicant files a vision report in accordance with
11 section 321.186A which shows that the applicant's visual acuity
12 level meets or exceeds those required by the department.

13 c. The applicant is eligible for license renewal
14 electronically, pursuant to rules adopted by the department.

15 4A. An application for renewal of a driver's license shall
16 include a statement for the applicant to sign that acknowledges
17 the applicant's knowledge of the requirement to notify the
18 department of a mailing address change under section 321.182,
19 subsection 1.

20 Sec. 2. EMERGENCY RULES. The department of transportation
21 may adopt emergency rules under section 17A.4, subsection 3,
22 and section 17A.5, subsection 2, paragraph "b", to implement
23 section 321.196, subsection 4, paragraph "c", as enacted in
24 this Act, and the rules shall be effective immediately upon
25 filing unless a later date is specified in the rules. Any
26 rules adopted in accordance with this section shall also be
27 published as a notice of intended action as provided in section
28 17A.4.

29 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
30 immediate importance, takes effect upon enactment.

31 EXPLANATION

32 Under current law, an applicant for renewal of a driver's
33 license must either pass a vision test or file a vision report
34 that meets requirements of the department of transportation.
35 This bill provides that when the department renews a driver's

LSB 1288HV (1) 85
dea/nh

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 355

1 license electronically, it may do so without requiring the
2 licensee to pass a vision test or file a vision report,
3 pursuant to rules of the department. The bill authorizes the
4 adoption of emergency rules to implement this provision. The
5 bill is effective upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 356 - Introduced

HOUSE FILE 356
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 13)

A BILL FOR

1 An Act relating to the statute of limitation period in
2 executing a judgment in an action on a claim for rent.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1371HV (1) 85
rh/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 356

1 Section 1. Section 615.1, subsection 1, paragraph b, Code
2 2013, is amended by striking the paragraph.

3 EXPLANATION

4 This bill eliminates the two-year statute of limitation
5 period for execution of a judgment entered in an action on a
6 claim for rent.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 357 - Introduced

HOUSE FILE 357
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 16)

A BILL FOR

1 An Act relating to the nomination and appointment of district
2 judges.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1164HV (1) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 357

1 Section 1. Section 46.14, Code 2013, is amended to read as
2 follows:

3 **46.14 Nomination — residence.**

4 1. Each judicial nominating commission shall carefully
5 consider the individuals available for judge, and within sixty
6 days after receiving notice of a vacancy shall certify to the
7 governor and the chief justice the proper number of nominees,
8 in alphabetical order. Such nominees shall be chosen by the
9 affirmative vote of a majority of the full statutory number
10 of commissioners upon the basis of their qualifications and
11 without regard to political affiliation. Nominees shall be
12 members of the bar of Iowa, shall be residents of the state or
13 ~~district of the court to which they are nominated~~, and shall
14 be of such age that they will be able to serve an initial and
15 one regular term of office to which they are nominated before
16 reaching the age of seventy-two years. ~~Nominees for district~~
17 ~~judge shall file a certified application form, to be provided~~
18 ~~by the supreme court, with the chairperson of the district~~
19 ~~judicial nominating commission.~~ Absence of a commissioner or
20 vacancy upon the commission shall not invalidate a nomination.
21 The chairperson of the commission shall promptly certify the
22 names of the nominees, in alphabetical order, to the governor
23 and the chief justice.

24 2. An applicant for district judge shall file a certified
25 application form, to be provided by the supreme court, with the
26 chairperson of the district judicial nominating commission. A
27 district judge appointee shall be a resident of the judicial
28 district before assuming office or, if the judicial district
29 is divided into judicial election districts, the appointee
30 shall be a resident of the judicial election district where the
31 nomination occurred before assuming office.

32 ~~2.~~ 3. A commissioner shall not be eligible for nomination
33 by the commission during the term for which the commissioner
34 was elected or appointed to that commission. A commissioner
35 shall not be eligible to vote for the nomination of a family

LSB 1164HV (1) 85

-1-

jm/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 357

1 member, current law partner, or current business partner. For
2 purposes of this subsection, "*family member*" means a spouse,
3 son, daughter, brother, sister, uncle, aunt, first cousin,
4 nephew, niece, father-in-law, mother-in-law, son-in-law,
5 daughter-in-law, brother-in-law, sister-in-law, father, mother,
6 stepfather, stepmother, stepson, stepdaughter, stepbrother,
7 stepsister, half brother, or half sister.

8 EXPLANATION

9 This bill relates to the nomination and qualifications of
10 district judges. The bill specifies that a district judge
11 appointee shall be a resident of the judicial district where
12 the nomination occurred before assuming office. If the
13 judicial district is divided into judicial election districts,
14 the bill specifies the appointee shall be a resident of the
15 judicial election district where the nomination occurred before
16 assuming office.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 358 - Introduced

HOUSE FILE 358
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 100)

A BILL FOR

1 An Act relating to the boards of directors of public
2 corporations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1957HV (1) 85
da/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 358

1 Section 1. REPEAL. 2011 Iowa Acts, chapter 2, section 9,
2 is repealed.

3 EXPLANATION

4 BACKGROUND. In 2011, the 84th General Assembly enacted
5 S.F. 325 which provides for the management of a public
6 corporation, formed under the Iowa business corporation Act,
7 by its board of directors (Code chapter 490). The Act defines
8 a public corporation (Code section 490.140), and requires
9 that a public corporation divide its directors into three
10 equal groups, referred to as "classes", elected by the public
11 corporation's holders of common shares, with each class serving
12 staggered three-year terms (Code section 490.806A). The Act
13 also excuses certain public corporations from the staggered
14 term requirement. Finally, the Act requires that the board
15 of directors of an unexcused public corporation amend its
16 articles of incorporation to comply with the Act's staggered
17 term requirement (Code section 490.1005A). The Act does not
18 prohibit a public or private corporation from including a
19 provision in its articles of incorporation requiring staggered
20 terms for its directors as generally allowed under the Code
21 chapter (Code section 490.806). The Act is repealed on
22 December 31, 2014. The Act's future repeal date provides
23 for the continued applicability of the public corporation's
24 articles of incorporation as amended.

25 BILL'S REPEAL OF ACT'S REPEAL. The bill repeals the Act's
26 future repeal effective July 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 359 - Introduced

HOUSE FILE 359
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 121)

A BILL FOR

1 An Act relating to obscene material by modifying the definition
2 of material and authorizing local regulation of certain live
3 acts, performances, and exhibitions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1475HV (1) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 359

1 Section 1. Section 728.1, subsection 3, Code 2013, is
2 amended to read as follows:

3 3. "*Material*" means any book, magazine, newspaper, or
4 other printed or written material or any picture, drawing,
5 photograph, motion picture, or other pictorial representation
6 or any statue or other figure, or any recording, transcription
7 or mechanical, chemical, or electrical reproduction or any
8 other articles, equipment, machines, or materials, but does
9 not mean a live act, performance, or exhibition, including
10 those circumstances described in section 728.5, subsection 1,
11 paragraphs "a" through "c".

12 Sec. 2. Section 728.11, Code 2013, is amended to read as
13 follows:

14 **728.11 Uniform application.**

15 In order to provide for the uniform application of the
16 provisions of this chapter relating to obscene material
17 applicable to minors within this state, it is intended that the
18 sole and only regulation of obscene material shall be under
19 the provisions of this chapter, and no municipality, county,
20 or other governmental unit within this state shall make any
21 law, ordinance, or regulation relating to the availability of
22 obscene materials. All such laws, ordinances, or regulations
23 shall be or become void, unenforceable, and of no effect on
24 January 1, 1978. Nothing in this section or section 728.5
25 shall restrict the zoning authority of cities and counties
26 or the authority of cities and counties to enact ordinances
27 or rules that regulate a place of business or establishment
28 operating within the city's or county's jurisdiction that
29 permits or allows the circumstances described in section 728.5,
30 subsection 1, paragraphs "a" through "c".

31 EXPLANATION

32 This bill relates to Iowa's law governing obscenity.
33 Current Code section 728.1(3) defines "material" as any book,
34 magazine, newspaper, or other printed or written material or
35 any picture, drawing, photograph, motion picture, or other

LSB 1475HV (1) 85
md/sc

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 359

1 pictorial representation or any statue or other figure, or any
2 recording, transcription or mechanical, chemical or electrical
3 reproduction or any other articles, equipment, machines, or
4 materials. The bill amends the definition of material to
5 exclude live acts, performances, or exhibitions, including the
6 actual or simulated public performance of any sex act, the
7 exposure of the genitals or buttocks or female breast of any
8 person who acts as a waiter or waitress, and the exposure of
9 the genitals or female breast nipple of any person who acts
10 as an entertainer, whether or not the owner of the place of
11 business in which the activity is performed employs or pays any
12 compensation to such person to perform such activity.

13 The bill also provides that Code section 728.5, establishing
14 criminal offenses for specified live acts, performances, and
15 exhibitions, and Code section 728.11, limiting local government
16 authority to regulate the availability of obscene materials,
17 shall not restrict the authority of a city or county to
18 enact ordinances or rules that regulate a place of business
19 or an establishment operating within the city's or county's
20 jurisdiction that permits or allows the actual or simulated
21 public performance of any sex act, the exposure of the genitals
22 or buttocks or female breast of any person who acts as a waiter
23 or waitress, and the exposure of the genitals or female breast
24 nipple of any person who acts as an entertainer, whether or not
25 the owner of the place of business in which the activity is
26 performed employs or pays any compensation to such person to
27 perform such activity.

28 In 2012, the Iowa Supreme Court in *Mall Real Estate, L.L.C.*
29 *v. City of Hamburg* construed the definition of "material" in
30 Code section 728.1(3) to include live performances and held the
31 city of Hamburg's ordinance regulating places of business that
32 offer or permit nude dancing to be preempted by state law and
33 unenforceable.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 360 - Introduced

HOUSE FILE 360
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 115)

A BILL FOR

1 An Act relating to matters under the purview of the credit
2 union division of the department of commerce, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1261HV (2) 85
rn/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 360

1 Section 1. Section 533.102, subsection 4, Code 2013, is
2 amended to read as follows:

3 4. "*Credit union service organization*" means a corporation,
4 ~~or~~ limited partnership, or limited liability company organized
5 under state law to provide financial and financial-related
6 services for one or more credit unions, each of which owns part
7 of the capital stock of the credit union service organization,
8 as authorized under section 533.301, subsection 5, paragraph
9 "f", and which corporation, ~~or~~ limited partnership, or limited
10 liability company is subject to examination by the credit
11 union division of the Iowa department of commerce or a federal
12 supervisory agency.

13 Sec. 2. Section 533.205, subsection 1, paragraph d, Code
14 2013, is amended to read as follows:

15 d. A ~~chief~~ financial officer whose title shall be designated
16 by the board.

17 Sec. 3. Section 533.301, subsections 28 and 29, Code 2013,
18 are amended to read as follows:

19 28. Sell, to persons in the field of membership, negotiable
20 checks, including traveler's checks; money orders; and other
21 similar money transfer instruments including international and
22 domestic electronic fund transfers and remittance checks.

23 29. Cash checks and money orders, and send and receive
24 international and domestic electronic fund transfers and
25 remittance transfers, for persons in the field of membership.

26 Sec. 4. Section 533.401, subsection 3, paragraphs a and b,
27 Code 2013, are amended to read as follows:

28 a. ~~Notice of the meeting called to consider~~ balloting for
29 the membership vote on the merger was mailed to each member of
30 the merging credit union entitled to vote upon the question
31 at least twenty days prior to the ~~date of the merger meeting~~
32 scheduled conclusion of the vote.

33 b. The notice of balloting disclosed the purpose of the
34 ~~meeting~~ vote and properly informed the membership that approval
35 of the merger would be sought pursuant to this section.

LSB 1261HV (2) 85

-1-

rn/sc

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 360

1 Sec. 5. Section 533.401, subsection 9, Code 2013, is amended
2 by striking the subsection.

3 Sec. 6. Section 533.404, subsection 4, Code 2013, is amended
4 by striking the subsection.

5 Sec. 7. Section 533.405, subsection 2, Code 2013, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *d.* The board of directors shall notify the
8 national credit union administration of the intent to dissolve,
9 as required by federal regulation.

10 Sec. 8. Section 533.405, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 4A. *a.* (1) Within ten days of the
13 conclusion of a membership vote approving the voluntary
14 dissolution, the board of directors or the liquidating agent
15 appointed pursuant to subsection 4 shall cause notice, as
16 provided in this subsection, to be given to creditors of the
17 state credit union to present their claims.

18 (2) A copy of the notice of voluntary dissolution shall be
19 mailed to all creditors reflected on the records of the state
20 credit union.

21 *b.* In addition to mailing notice to known creditors, the
22 state credit union shall also publish notice of the voluntary
23 dissolution as follows:

24 (1) State credit unions with assets in excess of five
25 million dollars as of the month ending immediately prior to the
26 date of the conclusion of the vote by the membership approving
27 the dissolution shall publish the notice once a week for two
28 successive weeks in a newspaper of general circulation in each
29 county in which the state credit union maintains an office or
30 branch for the transaction of business.

31 (2) State credit unions with assets of five million dollars
32 or less as of the month ending immediately prior to the date
33 of the conclusion of the vote by the membership approving the
34 dissolution shall publish the notice once in a newspaper of
35 general circulation in each county in which the state credit

LSB 1261HV (2) 85

-2-

rn/sc

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 360

1 union maintains an office or branch.
2 c. Mailed and published notices under this subsection shall
3 indicate all of the following:
4 (1) A creditor shall have thirty days from the date the
5 notice was sent or first published to submit the creditor's
6 claim. The state credit union must receive the claim on or
7 before the thirtieth day, or the claim is barred.
8 (2) Information that must be included in a claim.
9 (3) A mailing address where a claim is to be sent.
10 Sec. 9. Section 533.405, subsections 5 and 6, Code 2013, are
11 amended to read as follows:
12 5. a. Upon such proof as is satisfactory to the
13 superintendent that all assets of the following have occurred,
14 the superintendent shall issue a certificate of dissolution:
15 (1) Assets have been liquidated from which there is a
16 reasonable expectance of realization, ~~that the.~~
17 (2) The liabilities of the state credit union have been
18 discharged ~~and distribution.~~
19 (3) Distribution has been made to its members, and that the
20 pursuant to section 533.404, subsection 1.
21 (4) The liquidation has been completed, ~~the superintendent~~
22 ~~shall issue a certificate of dissolution, which.~~
23 b. The certificate shall be filed and recorded in the county
24 in which the state credit union has its principal place of
25 business and in the county in which its original articles of
26 incorporation were filed and recorded.
27 ~~b.~~ c. Upon the ~~issuance~~ filing of a certificate of
28 dissolution, the existence of the state credit union shall
29 cease.
30 6. a. At any time prior to any the final distribution
31 of its assets, a state credit union may revoke the voluntary
32 dissolution proceedings by the affirmative vote of a majority
33 of its members eligible to vote, according to the provisions
34 of section 533.203. At least twenty days' notice shall be
35 provided between the sending of notice and the scheduled

LSB 1261HV (2) 85
rn/sc

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 360

1 conclusion of the vote.

2 *b.* Upon the conclusion of the vote, the board of directors
3 shall immediately notify the superintendent of any such action
4 to revoke voluntary dissolution proceedings.

5 EXPLANATION

6 This bill makes specified changes relating to the
7 administration and regulation of state credit unions.

8 The bill adds a limited liability company to the list of
9 business entities encompassed within the definition of "credit
10 union service organization" for purposes of Code chapter
11 533. Additionally, the bill modifies the designation of a
12 specified elected officer within the board of directors of
13 a credit union such that one officer shall be a financial
14 officer whose title shall be designated by the board, rather
15 than a "chief" financial officer as the position is currently
16 described. Also, the bill specifies that credit unions shall
17 be authorized to sell remittance checks to, and send and
18 receive remittance transfers for, persons in the credit union's
19 field of membership.

20 The bill alters one of the requirements for approval by
21 the superintendent of credit unions of a credit union merger.
22 References to a meeting to be held on the question of merger
23 are changed to balloting upon the question. The bill deletes a
24 definition of the terms "merger" or "merge" within the context
25 of a credit union merger.

26 Relating to the dissolution of a credit union, the bill
27 deletes a provision which currently preserves remedies
28 available to or against a credit union or its directors,
29 officers, or members for rights or claims existing or liability
30 incurred prior to a voluntary or involuntary dissolution if
31 an action or other proceeding to enforce the right or claim
32 was commenced within two years after the date of filing of
33 a certificate or decree of dissolution. Also with regard to
34 dissolution, the bill adds that the board of directors of a
35 credit union undergoing dissolution shall notify the national

LSB 1261HV (2) 85

-4-

rn/sc

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 360

1 credit union administration of its intent to dissolve.
2 The bill further modifies voluntary dissolution provisions
3 to establish creditor notification requirements and procedures
4 concerning the presentation of claims and requirements that
5 must be satisfied prior to issuance of a certificate of
6 dissolution.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 361 - Introduced

HOUSE FILE 361
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 130)

A BILL FOR

1 An Act providing for the issuance of special hunting licenses
2 to certain nonresident disabled veterans and disabled
3 members of the armed forces serving on active federal
4 service.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1735HV (2) 85
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 361

1 Section 1. Section 483A.24, subsections 3 and 4, Code 2013,
2 are amended to read as follows:

3 3. The director shall provide up to seventy-five
4 nonresident deer hunting licenses for allocation as provided
5 in this subsection.

6 a. Fifty of the nonresident deer hunting licenses shall be
7 allocated as requested by a majority of a committee consisting
8 of the majority leader of the senate, speaker of the house
9 of representatives, and director of the economic development
10 authority, or their designees. The licenses provided pursuant
11 to this subsection shall be in addition to the number of
12 nonresident licenses authorized pursuant to section 483A.8.
13 The purpose of the special nonresident licenses is to allow
14 state officials and local development groups to promote the
15 state and its natural resources to nonresident guests and
16 dignitaries. Photographs, videotapes, or any other form
17 of media resulting from the hunting visitation shall not
18 be used for political campaign purposes. The nonresident
19 licenses shall be issued without application upon purchase of a
20 nonresident hunting license that includes the wildlife habitat
21 fee and the purchase of a nonresident deer hunting license.
22 The licenses are valid in all zones open to deer hunting. The
23 hunter safety and ethics education certificate requirement
24 pursuant to section 483A.27 is waived for a nonresident issued
25 a license pursuant to this subsection.

26 b. Twenty-five of the nonresident deer hunting licenses
27 shall be allocated as provided in subsection 4A.

28 4. The director shall provide up to ~~twenty-five~~
29 seventy-five nonresident wild turkey hunting licenses for
30 allocation as provided in this subsection.

31 a. Fifty of the nonresident wild turkey hunting licenses
32 shall be allocated as requested by a majority of a committee
33 consisting of the majority leader of the senate, speaker of
34 the house of representatives, and director of the economic
35 development authority, or their designees. The licenses

LSB 1735HV (2) 85

-1-

av/nh

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 361

1 provided pursuant to this subsection shall be in addition
2 to the number of nonresident licenses authorized pursuant
3 to section 483A.7. The purpose of the special nonresident
4 licenses is to allow state officials and local development
5 groups to promote the state and its natural resources to
6 nonresident guests and dignitaries. Photographs, videotapes,
7 or any other form of media resulting from the hunting
8 visitation shall not be used for political campaign purposes.
9 The nonresident licenses shall be issued without application
10 upon purchase of a nonresident hunting license that includes
11 the wildlife habitat fee and the purchase of a nonresident wild
12 turkey hunting license. The licenses are valid in all zones
13 open to wild turkey hunting. The hunter safety and ethics
14 education certificate requirement pursuant to section 483A.27
15 is waived for a nonresident issued a license pursuant to this
16 subsection.

17 b. Twenty-five of the nonresident wild turkey hunting
18 licenses shall be allocated as provided in subsection 4A.

19 Sec. 2. Section 483A.24, Code 2013, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 4A. Twenty-five of the nonresident deer
22 hunting licenses and wild turkey hunting licenses allocated
23 under subsections 3 and 4 shall be available for issuance
24 to nonresidents who have served in the armed forces of the
25 United States on active federal service and who were disabled
26 during the veteran's military service or who are serving in the
27 armed forces of the United States on active federal service
28 and have been disabled during military service to enable the
29 disabled person to participate in a hunt that is conducted by
30 an organization that conducts hunting experiences in this state
31 for disabled persons. The licenses shall be issued as follows:

32 a. The department shall prepare an application to be used by
33 a person requesting a special license under this subsection.

34 (1) The department shall verify that the license will be
35 used by the applicant in connection with a hunt conducted by an

LSB 1735HV (2) 85
av/nh

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 361

1 approved organization that conducts hunting experiences in this
2 state for disabled veterans and members of the armed forces
3 serving on active federal service who have been disabled during
4 military service. The department shall specify, by rules
5 adopted under chapter 17A, what requirements an organization
6 must meet in order to be approved to conduct hunts for disabled
7 persons who obtain licenses under this subsection.

8 (2) The department of veterans affairs shall assist the
9 department in verifying the status or claims of applicants
10 under this subsection. As used in this subsection, "*disabled*"
11 means entitled to a service connected rating under 38 U.S.C.
12 ch. 11 with a degree of disability of thirty percent or more.

13 b. A license issued under this subsection shall be in
14 addition to the number of nonresident wild turkey hunting
15 licenses authorized pursuant to section 483A.7 and nonresident
16 deer hunting licenses authorized pursuant to section 483A.8.
17 However, a nonresident who obtains a license pursuant to
18 this subsection is not eligible to obtain a nonresident deer
19 hunting license or wild turkey hunting license under any other
20 provision of law.

21 c. A disabled person who receives a special license under
22 this subsection shall purchase a hunting license that includes
23 the wildlife habitat fee, and a wild turkey hunting license or
24 a deer hunting license, if applicable, all for the same fees
25 that are charged to resident hunters. If hunting deer, the
26 disabled person shall also pay a one dollar fee that shall
27 be used and is appropriated for the purpose of deer herd
28 population management, including assisting with the cost of
29 processing deer donated to the help us stop hunger program
30 administered by the commission.

31 d. A special hunting license that includes the wildlife
32 habitat fee shall be available for issuance under this
33 subsection to a disabled veteran or disabled member of the
34 armed forces serving on active federal service for the same fee
35 that is charged to a resident hunter to enable such a disabled

LSB 1735HV (2) 85
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 361

1 person to participate in a hunt conducted by an organization
2 approved under this subsection for which only a hunting license
3 is required.

4 *e.* A disabled person who receives a special license under
5 this subsection shall complete the hunter safety and ethics
6 education course.

7 *f.* A license issued under this subsection is valid for use
8 only on a hunt conducted by an organization approved under this
9 subsection.

10 *g.* The commission shall adopt rules under chapter 17A for
11 the administration of this subsection.

12 EXPLANATION

13 This bill requires the director of the department of
14 natural resources to issue special deer hunting licenses and
15 wild turkey hunting licenses to certain nonresident disabled
16 veterans and disabled persons currently on active federal
17 military service for use on hunts conducted by organizations
18 that conduct hunting experiences in the state for such persons.

19 The director is required to make available 25 of the 75
20 special nonresident deer hunting licenses that are currently
21 allocated by a committee to promote the state and its natural
22 resources to nonresident guests and dignitaries, for issuance
23 to nonresident disabled veterans and disabled persons currently
24 on active federal military service. The director is also
25 required to increase the number of special nonresident wild
26 turkey hunting licenses from 25 to 75, and to make 25 of those
27 licenses available for issuance to such persons.

28 The special licenses must be used in connection with a hunt
29 conducted by an approved organization that conducts hunting
30 experiences in the state for disabled veterans and disabled
31 persons currently on active federal military service. The
32 department is to adopt rules specifying what requirements an
33 organization must meet to be approved.

34 The special licenses are available to nonresident veterans
35 and persons currently on active federal military service who

LSB 1735HV (2) 85

-4-

av/nh

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 361

1 are entitled to a service connected rating under federal
2 law with a degree of disability of 30 percent or more. The
3 department of veterans affairs shall assist the department in
4 verifying the status of applicants for the licenses.

5 The special licenses are in addition to the number of
6 nonresident wild turkey and deer hunting licenses that are
7 otherwise authorized by law. A nonresident who obtains one
8 of the special licenses is not eligible to obtain another
9 nonresident wild turkey or deer hunting license under any other
10 provision of law.

11 A nonresident who purchases a special license must also
12 purchase a hunting license that includes the wildlife habitat
13 fee, all for the same fees as a resident hunter. A nonresident
14 who purchases a special deer hunting license must also pay the
15 \$1 fee for the purpose of deer herd population management,
16 including assisting with the cost of processing deer donated to
17 the help us stop hunger program.

18 A special hunting license that includes the wildlife habitat
19 fee is available to such disabled persons for the same fee that
20 is charged to a resident hunter to enable the disabled persons
21 to participate in a hunt conducted by an approved organization
22 for which only a hunting license is required.

23 A disabled person who receives one of the special licenses
24 must complete the hunter safety and ethics education course.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 362 - Introduced

HOUSE FILE 362
BY HALL

A BILL FOR

- 1 An Act making an appropriation for maintaining and supporting
- 2 specialty response teams throughout the state, and including
- 3 effective date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2117YH (2) 85
jm/sc

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013**

H.F. 362

1 Section 1. APPROPRIATION — SPECIALTY RESPONSE
2 TEAMS. There is appropriated from the general fund of the
3 state to the division of homeland security and emergency
4 management division of the department of public defense for the
5 fiscal year beginning July 1, 2012, and ending June 30, 2013,
6 the following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:

8 For maintaining and supporting those specialty teams
9 throughout the state that are allocated federal homeland
10 security grant program funds for the fiscal year beginning July
11 1, 2012, and ending June 30, 2013:

12 \$ 571,956

13 The division shall allocate the moneys appropriated in this
14 section according to the maintenance level budgets submitted by
15 the specialty teams for the fiscal year beginning July 1, 2012,
16 and ending June 30, 2013.

17 Notwithstanding section 8.33, moneys appropriated in this
18 section that remain unencumbered or unobligated at the close of
19 the fiscal year shall not revert but shall remain available for
20 expenditure for the purposes designated until the close of the
21 succeeding fiscal year.

22 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
23 immediate importance, takes effect upon enactment.

24 EXPLANATION

25 This bill appropriates moneys for FY 2012-2013 to the
26 division of homeland security and emergency management
27 division of the department of public defense for maintaining
28 and supporting specialty response teams that receive federal
29 homeland security grant program funds.

30 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 363 - Introduced

HOUSE FILE 363

BY WESSEL-KROESCHELL,
LENSING, LUNDBY, ANDERSON,
KEARNS, RUFF, HEDDENS,
OURTH, HUNTER, MASCHER,
ABDUL-SAMAD, STAED, FORBES,
STECKMAN, and MUHLBAUER

A BILL FOR

1 An Act creating a responsible governing fund, making transfers,
2 and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1963YH (4) 85
jp/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 363

1 Section 1. Section 8.54, subsection 5, Code 2013, is amended
2 to read as follows:

3 5. For fiscal years in which it is anticipated that the
4 ~~distribution~~ there will be a transfer of moneys from the Iowa
5 economic emergency fund ~~in accordance with section 8.55,~~
6 ~~subsection 2, will result in moneys being transferred~~ to the
7 general fund of the state in accordance with law, the original
8 state general fund expenditure limitation amount provided for
9 in subsection 3 shall be readjusted to include the amount of
10 moneys anticipated to be so transferred.

11 Sec. 2. Section 8.55, subsection 2, paragraph b, Code 2013,
12 is amended to read as follows:

13 b. ~~The~~ Unless otherwise provided by law, the remainder of
14 the excess, if any, shall be transferred to the ~~general fund of~~
15 ~~the state~~ responsible governing fund.

16 Sec. 3. NEW SECTION. 8.57F Responsible governing fund.

17 1. A responsible governing fund is created. The fund shall
18 be separate from the general fund of the state and the balance
19 in the fund shall not be considered part of the balance of the
20 general fund of the state. The moneys credited to the fund
21 are not subject to section 8.33 and shall not be transferred,
22 used, obligated, appropriated, or otherwise encumbered except
23 as provided in this section.

24 2. Moneys in the responsible governing fund shall only
25 be used pursuant to appropriations or transfers made by
26 the general assembly for temporary or one-time expenditures
27 to ensure public safety, construct necessary facilities,
28 provide for proper maintenance of public property, or provide
29 transitional funding of a public service. In addition,
30 the moneys may be used to restore an amount of a standing
31 appropriation from the general fund of the state that was
32 subject to a reduction from the amount specified in law due to
33 an exception that was applied for the fiscal year preceding the
34 fiscal year of the restoration.

35 3. a. Moneys in the responsible governing fund may be used

LSB 1963YH (4) 85

-1-

jp/sc

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 363

1 for cash flow purposes during a fiscal year provided that any
2 moneys so allocated are returned to the fund by the end of that
3 fiscal year.

4 **b.** Except as provided in section 8.58, the responsible
5 governing fund shall be considered a special account for the
6 purposes of section 8.53 in determining the cash position
7 of the general fund of the state for the payment of state
8 obligations.

9 4. Notwithstanding section 12C.7, subsection 2, interest or
10 earnings on moneys deposited in the responsible governing fund
11 shall be credited to the fund.

12 Sec. 4. Section 8.58, Code 2013, is amended to read as
13 follows:

14 **8.58 Exemption from automatic application.**

15 1. To the extent that moneys appropriated under section
16 8.57 do not result in moneys being credited to the general
17 fund ~~under section 8.55, subsection 2 of the state~~, moneys
18 appropriated under section 8.57 and moneys contained in
19 the cash reserve fund, rebuild Iowa infrastructure fund,
20 environment first fund, Iowa economic emergency fund, ~~and~~
21 taxpayers trust fund, and responsible governing fund shall
22 not be considered in the application of any formula, index,
23 or other statutory triggering mechanism which would affect
24 appropriations, payments, or taxation rates, contrary
25 provisions of the Code notwithstanding.

26 2. To the extent that moneys appropriated under section
27 8.57 do not result in moneys being credited to the general
28 fund ~~under section 8.55, subsection 2 of the state~~, moneys
29 appropriated under section 8.57 and moneys contained in
30 the cash reserve fund, rebuild Iowa infrastructure fund,
31 environment first fund, Iowa economic emergency fund, ~~and~~
32 taxpayers trust fund, and responsible governing fund shall not
33 be considered by an arbitrator or in negotiations under chapter
34 20.

35 Sec. 5. APPLICABILITY. This Act applies to moneys credited

LSB 1963YH (4) 85

-2-

jp/sc

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 363

1 to the Iowa economic emergency fund for fiscal years beginning
2 on or after July 1, 2014.

3 EXPLANATION

4 This bill creates a responsible governing fund in new Code
5 section 8.57F and makes transfers to the fund.

6 The new fund is separate from the general fund of the state
7 and interest or earnings on moneys in the fund are credited to
8 the fund. Moneys in the fund may be used temporarily for cash
9 flow purposes. Otherwise, moneys in the fund can be used only
10 as provided by appropriations or transfers made by the general
11 assembly for temporary or one-time expenditures to ensure
12 public safety, construct necessary facilities, provide for
13 proper maintenance of public property, or provide transitional
14 funding of a public service. In addition, the moneys may be
15 used to restore an amount of a standing appropriation from
16 the general fund of the state that was subject to a reduction
17 from the amount specified in law due to an exception that was
18 applied for the fiscal year preceding the fiscal year of the
19 restoration.

20 Under current law in Code section 8.55, relating to the Iowa
21 economic emergency fund, when the fund reaches its maximum
22 balance, a formula provides for transfer of up to \$60 million
23 of the excess to the taxpayers trust fund and the remaining
24 excess is transferred to the general fund of the state. The
25 bill transfers the remaining excess to the new fund instead of
26 the general fund, unless otherwise provided by law.

27 The Code section 8.55 requirement to transfer the remaining
28 excess from the Iowa economic emergency fund to the general
29 fund is addressed in the Code section 8.54 requirement to
30 readjust the state general fund expenditure limitation to
31 include the amount anticipated to be transferred. The bill
32 revises the requirement to only apply the readjustment when
33 there is a transfer of the excess to the general fund provided
34 for by law.

35 Code section 8.58 is amended to include the new fund

LSB 1963YH (4) 85

-3-

jp/sc

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 363

1 in the list of reserve funds that are not considered in
2 the application of any formula, index, or other statutory
3 triggering mechanism which would affect appropriations,
4 payments, or taxation rates, or by an arbitrator or in public
5 employee collective bargaining negotiations under Code chapter
6 20.

7 The bill applies to moneys credited to the Iowa economic
8 emergency fund for fiscal years beginning on or after July 1,
9 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 364 - Introduced

HOUSE FILE 364
BY KELLEY

A BILL FOR

1 An Act relating to alternate energy by providing for a study of
2 hydroelectric energy production potential.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2370YH (2) 85
rn/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 364

1 Section 1. HYDROELECTRIC ENERGY POTENTIAL — STUDY. The
2 utilities board of the utilities division of the department
3 of commerce shall conduct a study assessing the potential
4 for the development of new hydroelectric energy production
5 facilities. The assessments shall be conducted at sites
6 bordering the Mississippi river, including but not limited to
7 a federal lock and dam, and at sites bordering the Des Moines
8 river. In conducting the study, the board, in coordination
9 with the United States army corps of engineers, the department
10 of natural resources, and any other federal or state agency or
11 entity the board determines appropriate, shall measure current
12 and flow levels at designated locations along the rivers to
13 assess potential energy generation capacity. The board shall
14 submit a report of its assessment, including a proposed number
15 of hydroelectric energy production facilities and potential
16 locations, to the general assembly by January 1, 2014.

17 EXPLANATION

18 This bill directs the Iowa utilities board to conduct a
19 study assessing the potential for the development of new
20 hydroelectric energy production facilities at sites bordering
21 the Mississippi river, including but not limited to a federal
22 lock and dam, and at sites bordering the Des Moines river.
23 The bill states that in conducting the study, the board, in
24 coordination with the United States army corps of engineers,
25 the department of natural resources, and any other federal or
26 state agency or entity the board determines appropriate, shall
27 measure current and flow levels at designated locations along
28 the rivers to assess potential energy generation capacity. The
29 bill requires the board to submit a report of its assessment,
30 including a proposed number of hydroelectric energy production
31 facilities and potential locations, to the general assembly by
32 January 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 365 - Introduced

HOUSE FILE 365

BY WINCKLER, LENSING,
WESSEL-KROESCHELL, THEDE,
ANDERSON, H. MILLER,
STECKMAN, BERRY, OLDSO,
T. OLSON, FORBES, WOOD,
STAED, KELLEY, DAWSON,
RIDING, MURPHY, R. OLSON,
KAJTAZOVIC, HANSON, RUFF,
OURTH, and HEDDENS

A BILL FOR

1 An Act relating to the recommendations of the competency-based
2 education task force, making an appropriation, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1986HH (4) 85
kh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 365

1 Section 1. COMPETENCY-BASED EDUCATION TASK FORCE
2 RECOMMENDATIONS — APPROPRIATION. There is appropriated from
3 the general fund of the state to the department of education
4 for the fiscal year beginning July 1, 2013, and ending June 30,
5 2014, the following amount, or so much thereof as is necessary,
6 to be used for the purposes designated:

7 For purposes of accomplishing the recommendations of the
8 competency-based education task force established pursuant
9 to 2012 Iowa Acts, chapter 1119, section 2, relating to
10 the development of model competencies and the creation of
11 opportunities for professional development for preservice and
12 in-service for practitioners:

13 \$ 200,000

14 The competency-based education task force shall select
15 area education agencies with which it will collaborate to
16 develop model competencies and professional development
17 opportunities for preservice and in-service practitioners.
18 Moneys appropriated in this section shall be transferred to
19 the area education agencies selected for collaboration by
20 the task force. Of the moneys appropriated in this section,
21 not more than \$100,000 shall be used for the development of
22 model competencies and not more than \$100,000 shall be used
23 for the creation of professional development opportunities for
24 preservice and in-service practitioners.

25 Sec. 2. COMPETENCY-BASED EDUCATION TASK FORCE —
26 SPRING 2013. The competency-based education task force
27 is encouraged to complete by June 3, 2013, its efforts
28 relating to the development of a common language and
29 vision for competency-based education and a shared
30 operational definition of competency; conducting a review
31 of current policies, administrative rules, and education
32 and para-educational practices that may block optimal
33 implementation of competency-based education; and establishing
34 a team collaboration with higher education institutions to
35 support smooth transitions for students with competency-based

LSB 1986HH (4) 85

-1-

kh/rj

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 365

1 educational experiences in high school, to facilitate entrance
2 into postsecondary institutions, and to work toward instituting
3 training for preservice practitioners in competency-based
4 environments.

5 Sec. 3. EFFECTIVE UPON ENACTMENT. The following provision
6 or provisions of this division of this Act, being deemed of
7 immediate importance, take effect upon enactment:

8 1. The section of this Act relating to the spring 2013
9 efforts of the competency-based education task force.

10 EXPLANATION

11 This bill appropriates \$200,000 from the general fund of
12 the state to the department of education for FY 2013-2014
13 to provide funds for purposes of accomplishing one of the
14 recommendations of the competency-based education task force,
15 which was established pursuant to legislation enacted during
16 the 2012 regular session of the 84th General Assembly, relating
17 to the development of model competencies and the creation
18 of professional development opportunities for preservice
19 and in-service for practitioners. The task force is also
20 encouraged to complete by June 3, 2013, efforts specified in
21 the bill.

22 The task force is directed to select area education agencies
23 with which it will collaborate to develop model competencies
24 and professional development opportunities for preservice and
25 in-service practitioners, and the moneys appropriated are to be
26 transferred to those area education agencies. Of the moneys
27 appropriated, not more than \$100,000 shall be used for the
28 development of model competencies and not more than \$100,000
29 shall be used for the creation of professional development
30 opportunities for preservice and in-service practitioners.

31 Efforts the task force is encouraged to complete by June
32 3, 2013, include those relating to the development of a
33 common language and vision for competency-based education and
34 a shared operational definition of competency; conducting
35 a review of current policies, administrative rules, and

LSB 1986HH (4) 85

-2-

kh/rj

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 365

1 education and para-educational practices that may block optimal
2 implementation of competency-based education; and establishing
3 a team collaboration with higher education institutions to
4 support smooth transitions for students with competency-based
5 educational experiences in high school, to facilitate entrance
6 into postsecondary institutions, and to work toward instituting
7 training for preservice practitioners in competency-based
8 environments.

9 The provision relating to the spring 2013 efforts of the task
10 force takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House File 366 - Introduced

HOUSE FILE 366

BY HEDDENS, OURTH, ANDERSON,
WOLFE, KEARNS, BERRY,
THEDE, GAINES, M. SMITH,
HUNTER, STECKMAN,
WESSEL-KROESCHELL, COHOON,
ABDUL-SAMAD, PRICHARD,
KELLEY, RIDING, DUNKEL,
FORBES, WOOD, DAWSON,
OLDSON, and THOMAS

A BILL FOR

1 An Act relating to children's health by creating a center for
2 child health excellence and innovation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1632HH (9) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 366

1 Section 1. Section 135.11, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 32. Create and operate, subject to
4 appropriation of funding by the general assembly, a center for
5 child health excellence and innovation. The purpose of the
6 center is to provide a policy forum for efforts to improve
7 child health, including but not limited to improving health
8 quality, demonstrating better health outcomes, and reducing
9 long-term health care costs.

10 *a.* The center shall engage major providers of child health
11 services, including but not limited to representatives of the
12 department, the medical assistance program administrator,
13 child health specialty clinics, the association representing
14 community health centers, and others.

15 *b.* The center shall lead the review and analysis of public
16 policy efforts that are directed toward the purpose of the
17 center.

18 *c.* The center shall develop community-based initiatives
19 to promote healthy child development, leveraging medical
20 assistance program funding where possible. The initiatives
21 shall include but are not limited to the promotion of
22 demonstration programs within the behavioral health managed
23 care contract and the development of a grant application for
24 federal and foundation funding opportunities that focus upon
25 improving child health through innovation and the diffusion of
26 innovation.

27 *d.* The center shall develop an early childhood mental health
28 certification for professionals and others engaged in working
29 with young children.

30 *e.* The center shall draw upon national and state
31 expertise in the field of child health, including experts
32 from Iowa's institutions of higher education, health provider
33 organizations, and health policy and advocacy organizations.
34 The center shall seek support from the Iowa research
35 community in data report development and analysis of available

LSB 1632HH (9) 85

-1-

jp/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. 366

1 information from Iowa child health data sources.

2 *f.* The center shall work with the departments of human
3 services and public health and with the governor and members
4 of the general assembly in child health public policy efforts
5 such as providing medical assistance funding as necessary to
6 expand the department's initiative to provide for adequate
7 developmental surveillance and screening during a child's first
8 five years to be available statewide and enabling child care
9 resource and referral service agencies to facilitate provision
10 of child mental health consultation for child care providers.

11 *g.* The center shall submit a report of its activities and
12 policy recommendations to the general assembly by December 15
13 annually.

14 EXPLANATION

15 This bill requires the department of public health to
16 create a center for child health excellence and innovation.
17 The purpose of the center is to provide a policy forum for
18 efforts to improve child health, including but not limited to
19 improving health quality, demonstrating better health outcomes,
20 and reducing long-term health care costs. The creation and
21 operation of the center is subject to provision of funding by
22 the general assembly.

23 The center is required to engage other departments of state
24 government and child health providers and to perform various
25 duties to further the purpose of the center.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House Resolution 21 - Introduced

HOUSE RESOLUTION NO. 21

BY KELLEY

1 A Resolution supporting the use of drug courts in the
2 criminal justice system.
3 WHEREAS, drug courts provide a proven budget
4 solution that benefit all facets of society; and
5 WHEREAS, drug courts are an essential component
6 of the criminal justice system and save vast criminal
7 justice and human services resources, support family
8 preservation, and keep individuals out of jail and
9 engaged in their communities as productive, tax-paying
10 citizens; and
11 WHEREAS, drug courts are an effective tool in the
12 human services and criminal justice system for saving
13 money, preserving families intact, reducing crime, and
14 serving veterans; and
15 WHEREAS, results of more than 100 program
16 evaluations and at least four meta-analytic
17 studies have yielded definitive evidence that
18 drug courts significantly improve substance-abuse
19 treatment outcomes, promote permanency for children,
20 substantially reduce drug abuse and crime, and do so at
21 less expense than any other strategy; and
22 WHEREAS, drug courts facilitate communitywide
23 partnerships, bringing together public safety, human
24 services and public health professionals, and the
25 court system in the fight against drug abuse and
26 criminality; and
27 WHEREAS, the drug court movement in the United
28 States has grown from the 12 original drug courts in

LSB 2439HH (2) 85

-1- jm/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.R. 21

1 1994, to over 2,600 operational drug courts today; and

2 WHEREAS, there are currently at least 35 adult drug
3 court, juvenile drug court, and family treatment court
4 programs in the state of Iowa; and

5 WHEREAS, drug courts demonstrate that when one
6 person rises out of drugs and crime, all persons
7 benefit; and

8 WHEREAS, the time has come to put a drug court
9 within reach of every eligible person in need; NOW

10 THEREFORE,

11 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,

12 That the House of Representatives declares that the
13 month of May 2013 be established as a Drug Court Month,
14 recognizing the significant contributions drug courts
15 have made toward reducing substance abuse, crime, and
16 recidivism while saving valuable resources.

LSB 2439HH (2) 85

-2- jm/rj

2/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House Resolution 22 - Introduced

HOUSE RESOLUTION NO. 22

BY DOLECHECK, COSTELLO, COWNIE, and HAGENOW

1 A Resolution honoring Samantha Dilocker and Katelyn
2 Cinnamon, the Iowa Prudential Spirit of Community
3 Award winners for 2013.

4 WHEREAS, since 1995, Prudential Financial and the
5 National Association of Secondary School Principals
6 honor outstanding young volunteers on an annual basis,
7 whose school or community volunteer projects merit
8 special recognition as examples of outstanding civic
9 initiatives; and

10 WHEREAS, judges from each state select two state,
11 district, or commonwealth honorees who receive a
12 \$1,000 cash award, an engraved silver medallion, and an
13 all-expense paid trip to Washington, D.C., to compete
14 in a national competition for further recognition; and

15 WHEREAS, Samantha Dilocker, a student at Red Oak
16 Middle School in Red Oak, and Katelyn Cinnamon, a
17 senior at Valley High School in West Des Moines, have
18 been named Iowa's top two youth volunteers for 2013 by
19 the Prudential Spirit of Community Awards; and

20 WHEREAS, Samantha, an eighth-grade student,
21 initiated an annual auction benefiting a food pantry,
22 a scholarship fund, a community toy drive, and a child
23 suffering from cancer; and

24 WHEREAS, over a period of six years, those auctions,
25 held at the local Elks Lodge, have raised more than
26 \$14,000; and

27 WHEREAS, Katelyn Cinnamon, a twelfth-grade student,
28 has raised thousands of dollars to purchase iPad



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.R. 22

1 tablets for each exam room at the Blank Children's
2 Hospital Hematology/Oncology Clinic; and
3 WHEREAS, the tablets have already been delivered to
4 the clinic, while Katelyn continues her work to pay for
5 kids to attend an annual oncology camp where they can
6 enjoy typical camp activities; NOW THEREFORE,
7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
8 That the House of Representatives honors these two
9 remarkable young ladies, Samantha Dilocker and Katelyn
10 Cinnamon, for their dedication in service to others,
11 and congratulates them both as 2013 Prudential Spirit
12 of Community Award state honorees.

LSB 2297HH (2) 85

-2-

jr/nh

2/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House Study Bill 184 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON SCHULTZ)

A BILL FOR

1 An Act relating to the establishment and dissolution of rural
2 improvement zones and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2478YC (2) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 Section 1. Section 357H.1, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. The board of supervisors of a county with less than
4 twenty thousand residents, not counting persons admitted or
5 committed to an institution enumerated in section 218.1 or
6 904.102, based upon the 2000 certified federal census, and with
7 a private lake development shall designate an area surrounding
8 the lake, if it is an unincorporated area of the county, a
9 rural improvement zone upon receipt of a petition pursuant to
10 section 357H.2, and upon the board's determination that the
11 area is in need of improvements. In no case, however, shall a
12 rural improvement zone be established under this chapter on or
13 after the effective date of this Act.

14 Sec. 2. Section 357H.10, Code 2013, is amended to read as
15 follows:

16 **357H.10 Dissolution of zone.**

17 1. The Unless otherwise required to be dissolved under
18 subsection 2, the rural improvement zone shall be dissolved
19 upon the adoption of a resolution of the board of trustees
20 which specifies that all improvements have been made in the
21 zone and all indebtedness has been paid.

22 2. Each rural improvement zone is dissolved on the date
23 seven years after the date that the resolution of the board
24 establishing the zone was adopted or June 30, 2014, whichever
25 is later.

26 3. Upon dissolution of the zone, all assets shall be deeded
27 to a nonprofit corporation whose members are property owners of
28 the improvement zone. If a zone is dissolved under subsection
29 2 and indebtedness of the zone remains unpaid on the date of
30 dissolution, such indebtedness shall be assumed by and become
31 an indebtedness of the nonprofit corporation to which the
32 zone's assets are deeded.

33 4. Upon dissolution of the zone, the collection of the
34 property tax authorized under section 357H.8, subsection 4, and
35 the division of taxes authorized under section 357H.9 shall



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 cease immediately.

2 Sec. 3. NEW SECTION. 357H.11 **Future repeal.**

3 This chapter is repealed July 1, 2021.

4 Sec. 4. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of
5 immediate importance, takes effect upon enactment.

6 EXPLANATION

7 Current Code chapter 357H authorizes the board of
8 supervisors of a county with less than 20,000 residents
9 based upon the 2000 certified federal census to establish
10 a rural improvement zone in an area surrounding a private
11 lake development located in an unincorporated area of the
12 county if the board determines that the area is in need of
13 improvements. A rural improvement zone is governed by a board
14 of trustees and is authorized to enter into contracts and incur
15 indebtedness to provide funds for the costs of improvements,
16 levy a standby property tax upon taxable property within the
17 zone, and divide property tax revenue from the zone in the
18 same manner as an urban renewal area under Code chapter 403.
19 Current Code section 357H.10 provides that a rural improvement
20 zone is dissolved upon the adoption of a resolution of the
21 board of trustees which specifies that all improvements have
22 been made in the zone and all indebtedness has been paid.
23 In addition, current law provides that upon dissolution all
24 assets of the rural improvement zone shall be deeded to a
25 nonprofit corporation whose members are property owners of the
26 improvement zone.

27 This bill provides that each rural improvement zone is
28 dissolved on the date seven years after the date that the
29 resolution of the board of supervisors establishing the zone
30 was adopted or June 30, 2014, whichever is later. The bill
31 provides that if a rural improvement zone is dissolved by
32 operation of the bill and indebtedness of the zone remains
33 unpaid on the date of dissolution, such indebtedness shall
34 be assumed by and become an indebtedness of the nonprofit
35 corporation to which the zone's assets are deeded. The



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 bill also provides that the collection of the property tax
2 authorized under Code section 357H.8(4) and the division
3 of taxes authorized under Code section 357H.9 shall cease
4 immediately upon dissolution of the rural improvement zone.
5 The bill establishes a future repeal date for Code chapter
6 357H of July 1, 2021.
7 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House Study Bill 185 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to licensure of professionals practicing
2 addiction counseling or providing addiction prevention
3 services by the behavioral science board, making penalties
4 applicable, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2144YC (3) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 Section 1. Section 147.1, subsections 3 and 6, Code 2013,
2 are amended to read as follows:

3 3. *"Licensed"* or *"certified"*, when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, orthotist,
10 prosthetist, pedorthist, respiratory care practitioner,
11 practitioner of cosmetology arts and sciences, practitioner
12 of barbering, funeral director, dietitian, marital and
13 family therapist, mental health counselor, social worker,
14 addiction counselor, advanced addiction counselor, addiction
15 prevention professional, massage therapist, athletic trainer,
16 acupuncturist, nursing home administrator, hearing aid
17 dispenser, or sign language interpreter or transliterator means
18 a person licensed under this subtitle.

19 6. *"Profession"* means medicine and surgery, podiatry,
20 osteopathic medicine and surgery, practice as a physician
21 assistant, psychology, chiropractic, nursing, dentistry,
22 dental hygiene, dental assisting, optometry, speech pathology,
23 audiology, pharmacy, physical therapy, physical therapist
24 assisting, occupational therapy, occupational therapy
25 assisting, respiratory care, cosmetology arts and sciences,
26 barbering, mortuary science, marital and family therapy, mental
27 health counseling, social work, addiction counseling, addiction
28 prevention services, dietetics, massage therapy, athletic
29 training, acupuncture, nursing home administration, hearing
30 aid dispensing, sign language interpreting or transliterating,
31 orthotics, prosthetics, or pedorthics.

32 Sec. 2. Section 147.2, subsection 1, Code 2013, is amended
33 to read as follows:

34 1. A person shall not engage in the practice of medicine
35 and surgery, podiatry, osteopathic medicine and surgery,

LSB 2144YC (3) 85
ad/nh

1/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 psychology, chiropractic, physical therapy, physical
2 therapist assisting, nursing, dentistry, dental hygiene,
3 dental assisting, optometry, speech pathology, audiology,
4 occupational therapy, occupational therapy assisting,
5 orthotics, prosthetics, pedorthics, respiratory care,
6 pharmacy, cosmetology arts and sciences, barbering, social
7 work, dietetics, marital and family therapy or mental health
8 counseling, addiction counseling or addiction prevention
9 services, massage therapy, mortuary science, athletic
10 training, acupuncture, nursing home administration, hearing aid
11 dispensing, or sign language interpreting or transliterating,
12 or shall not practice as a physician assistant, unless the
13 person has obtained a license for that purpose from the board
14 for the profession.

15 Sec. 3. Section 147.13, subsection 16, Code 2013, is amended
16 to read as follows:

17 16. For marital and family therapy, ~~and~~ mental health
18 counseling, addiction counseling, and addiction prevention
19 services, the board of behavioral science.

20 Sec. 4. Section 147.14, subsection 1, paragraph m, Code
21 2013, is amended to read as follows:

22 *m.* For behavioral science, three members licensed to
23 practice marital and family therapy, all of whom shall be
24 practicing marital and family therapists; three members
25 licensed to practice mental health counseling, one of whom
26 shall be employed in graduate teaching, training, or research
27 in mental health counseling and two of whom shall be practicing
28 mental health counselors; one member licensed to practice
29 addiction counseling; one member licensed to practice advanced
30 addiction counseling; one member licensed to practice as an
31 addiction prevention professional; and three members who
32 are not licensed to practice marital and family therapy, ~~or~~
33 mental health counseling, addiction counseling, or addiction
34 prevention services and who shall represent the general public.

35 Sec. 5. Section 147.74, Code 2013, is amended by adding the

LSB 2144YC (3) 85

ad/nh

2/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 following new subsection:

2 NEW SUBSECTION. 23A. An addiction counselor licensed
3 under chapter 154D may use the words "licensed addiction
4 counselor" after the person's name or signify the same by
5 the use of the letters "L.A.C." after the person's name. An
6 advanced addiction counselor licensed under chapter 154D may
7 use the words "licensed advanced addiction counselor" after the
8 person's name or signify the same by the use of the letters
9 "L.A.A.C." after the person's name. An addiction prevention
10 professional licensed under chapter 154D may use the words
11 "licensed addiction prevention professional" after the person's
12 name or signify the same by the use of the letters "L.A.P.P."
13 after the person's name.

14 Sec. 6. Section 154D.1, Code 2013, is amended by adding the
15 following new subsections:

16 NEW SUBSECTION. 01. "*Addiction counseling*" means counseling
17 of persons with substance use disorders which consists of
18 the application of general counseling theories and treatment
19 methods adopted with the express purpose of treating alcohol
20 and drug problems.

21 NEW SUBSECTION. 001. "*Addiction prevention services*" means
22 services that implement strategies and activities that have
23 been shown to increase protective factors, prevent high-risk
24 behaviors, and effectively reduce rates of substance abuse and
25 addiction.

26 NEW SUBSECTION. 1A. "*Endorsement*" means a person has
27 demonstrated knowledge, skill, and competency in working in
28 a subspecialty within the addiction counseling or addiction
29 prevention services field. A person must pass an exam approved
30 by the board as well as meet all other experiential and
31 educational requirements required by the board to receive an
32 endorsement.

33 NEW SUBSECTION. 1B. "*Licensed addiction counselor*" means
34 a person licensed to practice addiction counseling under
35 supervision pursuant to this chapter.

LSB 2144YC (3) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 NEW SUBSECTION. 1C. *"Licensed addiction prevention*
2 *professional"* means a person licensed to provide addiction
3 prevention services pursuant to this chapter.
4 NEW SUBSECTION. 1D. *"Licensed advanced addiction counselor"*
5 means a person licensed to practice addiction counseling
6 pursuant to this chapter.
7 Sec. 7. Section 154D.1, subsection 4, Code 2013, is amended
8 to read as follows:
9 4. *"Licensee"* includes a licensed addiction counselor,
10 licensed advanced addiction counselor, licensed addiction
11 prevention professional, licensed marital and family therapist,
12 and a licensed mental health counselor.
13 Sec. 8. NEW SECTION. 154D.2A Licensure — addiction
14 counseling and prevention services.
15 1. An applicant for a license to practice addiction
16 counseling shall be granted a license by the board if the
17 applicant satisfies all of the following requirements:
18 a. Possesses a bachelor's degree in addictions or a
19 counseling-related area from an accredited educational
20 institution or from a program approved by the board.
21 b. Possesses the required years of supervised clinical
22 experience or its equivalent as approved by the board.
23 c. Passes an examination approved by the board.
24 2. An applicant for a license to practice advanced addiction
25 counseling shall be granted a license by the board if the
26 applicant satisfies all of the following requirements:
27 a. Possesses a master's degree in addictions or a
28 counseling-related area from an accredited educational
29 institution or from a program approved by the board.
30 b. Possesses the required years of supervised clinical
31 experience or its equivalent as approved by the board.
32 c. Passes an examination approved by the board.
33 3. An applicant for a license to provide addiction
34 prevention services shall be granted a license by the board if
35 the applicant satisfies all of the following requirements:

LSB 2144YC (3) 85
ad/nh

4/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 a. Possesses a bachelor's degree in a prevention-related
2 field from an accredited educational institution or from a
3 program approved by the board.

4 b. Possesses the required years of supervised clinical
5 experience or its equivalent as approved by the board.

6 c. Passes an examination approved by the board.

7 Sec. 9. Section 154D.3, subsection 1, Code 2013, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. f. Standards for supervision of licensees
10 requiring direct or other supervision.

11 Sec. 10. Section 154D.4, subsection 1, Code 2013, is amended
12 to read as follows:

13 1. This chapter and chapter 147 do not prevent qualified
14 members of other professions, including but not limited to
15 nurses, psychologists, social workers, physicians, physician
16 assistants, attorneys at law, or members of the clergy, from
17 providing or advertising that they provide services of a
18 marital and family therapy or mental health counseling nature
19 or which involve addiction counseling or related addiction
20 prevention services consistent with the accepted standards of
21 their respective professions, but these persons shall not use a
22 title or description denoting that they are licensed marital
23 and family therapists, ~~or~~ licensed mental health counselors,
24 licensed addiction counselors, licensed advanced addiction
25 counselors, or licensed addiction prevention professionals.

26 Sec. 11. Section 154D.4, subsection 2, paragraphs a and b,
27 Code 2013, are amended to read as follows:

28 a. Students whose activities are conducted within a course
29 of professional education in marital and family therapy, ~~or~~
30 mental health counseling, addiction counseling, or addiction
31 prevention services.

32 b. A person who practices marital and family therapy, ~~or~~
33 mental health counseling, addiction counseling, or addiction
34 prevention services under the supervision of a person licensed
35 under this chapter as part of a clinical experience as



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 described in section 154D.2, subsection 2, or section 154D.2A.

2 Sec. 12. Section 154D.5, Code 2013, is amended to read as
3 follows:

4 **154D.5 Sexual conduct with client.**

5 The license of a marital and family therapist, ~~or~~ a mental
6 health counselor, an addiction counselor, an advanced addiction
7 counselor, or an addiction prevention professional shall be
8 revoked if the board finds that the licensee engaged in sexual
9 activity with a client as determined by board rule. The
10 revocation shall be in addition to any other penalties provided
11 by law.

12 Sec. 13. NEW SECTION. **154D.8 Temporary license — addiction**
13 **counseling — addiction prevention services — fees.**

14 A person who has fulfilled all of the applicable
15 requirements for licensure under section 154D.2A, except for
16 completion of the postgraduate supervised clinical experience
17 requirement as determined by the board by rule, may apply
18 to the board for a temporary license. A temporary license
19 shall be designated "licensed addiction counselor — temporary"
20 or "licensed addiction prevention professional — temporary"
21 and shall authorize the licensee to practice addiction
22 counseling or to provide addiction prevention services under
23 the supervision of a qualified supervisor as determined by the
24 board by rule. The license shall be valid for three years and
25 may be renewed at the discretion of the board. The fee for
26 a temporary license shall be set by the board to cover the
27 administrative cost of issuing the license and, if renewed, a
28 renewal fee as set by the board shall be required.

29 Sec. 14. NEW SECTION. **154D.9 Endorsements.**

30 A person licensed as an addiction counselor, advanced
31 addiction counselor, or addiction prevention professional under
32 this chapter may be granted an endorsement by the board when
33 the licensee satisfies all of the following:

- 34 1. Possesses a current and valid license under this chapter.
35 2. Possesses all educational and experiential requirements

LSB 2144YC (3) 85
ad/nh

6/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 adopted by the board.

2 3. Passes an examination approved by the board.

3 Sec. 15. TRANSITION PROVISIONS.

4 1. Notwithstanding sections 147.14 and 147.16, the governor
5 may appoint to the board of behavioral science pursuant to
6 section 147.14, subsection 1, paragraph "m", as amended by this
7 Act, subject to confirmation by the senate, in lieu of the one
8 member licensed to practice addiction counseling, one member
9 licensed to practice advanced addiction counseling, one member
10 licensed to practice as an addiction prevention professional,
11 members with experience and expertise that is substantially
12 equivalent to the professional requirements for addiction
13 counselors, advanced addiction counselors, and addiction
14 prevention professionals, as applicable.

15 2. An addiction counselor practicing addiction counseling
16 or an addiction prevention professional providing addiction
17 prevention services on or before January 1, 2015, may continue
18 practicing addiction counseling or providing addiction
19 prevention services, as applicable, while completing licensure
20 as required under this Act. The board of behavioral science
21 shall adopt rules to provide a transition process that
22 allows such addiction counselors and addiction prevention
23 professionals to complete the requirements for licensure no
24 later than June 30, 2016.

25 Sec. 16. IMPLEMENTATION. The sections of this Act relating
26 to requirements for licensure of addiction counselors, advanced
27 addiction counselors, and addiction prevention professionals,
28 including sections 154D.2A, 154D.8, and 154D.9, as enacted
29 in this Act; and sections 147.1, 154D.1, 154D.3, 154D.4, and
30 154D.5, as amended in this Act, shall be implemented so the
31 requirements are applicable beginning no later than January 1,
32 2015.

33 Sec. 17. EFFECTIVE UPON ENACTMENT. This Act, being deemed
34 of immediate importance, takes effect upon enactment.

35

EXPLANATION

LSB 2144YC (3) 85

ad/nh

7/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 This bill provides for the licensing of professionals
2 practicing addiction counseling or providing addiction
3 prevention services. The bill provides definitions relating
4 to the different types of licensure and establishes certain
5 minimum requirements for obtaining a license. The bill also
6 allows a professional practicing addiction counseling or
7 providing addiction prevention services to receive a temporary
8 license.

9 The bill requires the board of behavioral science to
10 regulate professionals practicing in the area of addiction
11 counseling or providing addiction prevention services.
12 The bill also allows the board to grant an endorsement to
13 an addiction counselor, advanced addiction counselor, or
14 an addiction prevention professional when the person has
15 demonstrated knowledge, skill, and competency in working in a
16 subspecialty within the addictions field.

17 The bill makes conforming changes in Code chapter
18 147, regarding the general provisions for health-related
19 professions, and amends the membership of the board of
20 behavioral science to include an addiction counselor, advanced
21 addiction counselor, and an addiction prevention professional.

22 The bill provides transition provisions for the initial
23 appointment of the additional members to the board of
24 behavioral science. The bill also provides transition
25 provisions relating to a phased-in implementation of
26 requirements for licensure for addiction counselors, advanced
27 addiction counselors, and addiction prevention professionals
28 practicing addiction counseling or providing addiction
29 prevention services prior to January 1, 2015.

30 The bill takes effect upon enactment, but provides for
31 implementation by January 1, 2015.

32 The provisions of Code chapters 147 and 272C, including
33 licensing sanctions and a provision in Code section 147.86,
34 that a violation of Code chapter 147 or 154D is a serious
35 misdemeanor, are applicable to addiction counselors, advanced

LSB 2144YC (3) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 addiction counselors, and addiction prevention professionals
2 licensed under Code chapter 154D. A person who is guilty of a
3 serious misdemeanor is subject to a minimum fine of \$315 and a
4 maximum fine of \$1,875. The court may also order imprisonment
5 not to exceed one year.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House Study Bill 186 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to the Iowa information program for drug
2 prescribing and dispensing.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1284YC (1) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 Section 1. Section 124.553, subsection 6, Code 2013, is
2 amended to read as follows:

3 6. a. ~~Nothing in this section shall require a~~ A pharmacist
4 or prescribing practitioner ~~to~~ shall obtain information about
5 a patient from the program before prescribing or renewing
6 a prescription for a controlled substance or filling a
7 prescription for a controlled substance if the pharmacist or
8 prescribing practitioner believes or has reason to believe that
9 a patient is at risk of controlled substance diversion, misuse,
10 or abuse. The licensing board of a pharmacist or prescribing
11 practitioner may adopt rules to implement this subsection.

12 b. A pharmacist or prescribing practitioner ~~does not have~~
13 ~~a duty and~~ acting reasonably and in good faith shall not be
14 held liable in damages to any person in any civil or derivative
15 criminal or administrative action for injury, death, or loss
16 to person or property on the basis that the pharmacist or
17 prescribing practitioner did or did not seek or obtain or use
18 information from the program. A pharmacist or prescribing
19 practitioner acting reasonably and in good faith is immune from
20 any civil, criminal, or administrative liability that might
21 otherwise be incurred or imposed for requesting or receiving or
22 using information from the program.

23 EXPLANATION

24 This bill relates to the information program for drug
25 prescribing and dispensing (Iowa prescription monitoring
26 program).

27 The bill requires a pharmacist or prescribing practitioner
28 to obtain information about a patient from the information
29 program for drug prescribing and dispensing before prescribing
30 or renewing a prescription for a controlled substance if the
31 pharmacist or prescribing practitioner believes or has reason
32 to believe the patient is at risk of drug diversion, misuse,
33 or abuse. However, the bill provides that a pharmacist or
34 prescribing practitioner who acts reasonably and in good faith
35 is not liable for damages on the basis that the pharmacist or

LSB 1284YC (1) 85

-1-

jm/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 prescribing practitioner did or did not seek information from
2 the program.

3 The bill allows the licensing board of a pharmacist or
4 prescribing practitioner to adopt rules to implement the bill.

5 The bill also strikes provisions relating to pharmacist or
6 prescribing practitioner liability.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House Study Bill 187 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to authorized investments of public funds by a
2 joint investment trust.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2121HC (2) 85
rn/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 Section 1. Section 12B.10, subsection 5, paragraph a,
2 subparagraph (7), Code 2013, is amended to read as follows:
3 (7) (a) A joint investment trust organized pursuant
4 to chapter 28E prior to and existing in good standing on
5 the effective date of this Act or a joint investment trust
6 organized pursuant to chapter 28E after April 28, 1992,
7 provided that the joint investment trust shall either be rated
8 within the two highest classifications by at least one of the
9 standard rating services approved by the superintendent of
10 banking by rule adopted pursuant to chapter 17A and operated
11 in accordance with 17 C.F.R. § 270.2a-7, or be registered
12 with the federal securities and exchange commission under the
13 federal Investment Company Act of 1940, 15 U.S.C. § 80a, and
14 operated in accordance with 17 C.F.R. § 270.2a-7. The manager
15 or investment advisor of the joint investment trust shall be
16 registered with the federal securities and exchange commission
17 under the Investment Advisor Act of 1940, 15 U.S.C. § 80b.
18 (b) A joint investment trust described in subparagraph
19 division (a) may invest in obligations of any state or a
20 political subdivision or agency of any state, provided that
21 such obligations are rated at the time of purchase within the
22 two highest classifications established by at least one of the
23 standard rating services approved by the superintendent of
24 banking by rule adopted pursuant to chapter 17A.

25 EXPLANATION

26 This bill relates to authorized investments of public funds.
27 Currently, Code section 12B.10, subsection 5, authorizes
28 a political subdivision of the state to invest in a joint
29 investment trust organized pursuant to Code chapter 28E. The
30 bill expands the forms of investment a joint investment trust
31 can make to include obligations of any state or a political
32 subdivision or agency of any state. The bill provides that
33 such obligations must be rated at the time of purchase within
34 the two highest classifications established by at least one of
35 the standard rating services approved by the superintendent of

LSB 2121HC (2) 85

-1-

rn/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 banking by rule adopted pursuant to Code chapter 17A.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House Study Bill 188 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act providing for the issuance of a ratemaking principles
2 order when a rate-regulated public utility enters into a
3 power purchase agreement under specified circumstances.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1717YC (2) 85
rn/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 Section 1. Section 476.53, subsection 3, Code 2013, is
2 amended to read as follows:

3 3. a. The board shall specify in advance, by order issued
4 after a contested case proceeding, the ratemaking principles
5 that will apply when the costs of the electric power generating
6 facility, ~~or~~ alternate energy production facility, or power
7 purchased pursuant to a power purchase agreement are included
8 in regulated electric rates whenever a rate-regulated public
9 utility does any of the following:

10 (1) Files an application pursuant to section 476A.3 to
11 construct in Iowa a baseload electric power generating facility
12 with a nameplate generating capacity equal to or greater
13 than three hundred megawatts or a combined-cycle electric
14 power generating facility, or an alternate energy production
15 facility as defined in section 476.42, or to significantly
16 alter an existing generating facility. For purposes of
17 this subparagraph, a significant alteration of an existing
18 generating facility must, in order to qualify for establishment
19 of ratemaking principles, fall into one of the following
20 categories:

21 (a) Conversion of a coal fueled facility into a gas fueled
22 facility.

23 (b) Addition of carbon capture and storage facilities at a
24 coal fueled facility.

25 (c) Addition of gas fueled capability to a coal fueled
26 facility, in order to convert the facility to one that will
27 rely primarily on gas for future generation.

28 (d) Addition of a biomass fueled capability to a coal fueled
29 facility.

30 With respect to a significant alteration of an existing
31 generating facility, an original facility shall not be required
32 to be either a baseload or a combined-cycle facility. Only
33 the incremental investment undertaken by a utility under
34 subparagraph divisions (a), (b), (c), or (d) shall be eligible
35 to apply the ratemaking principles established by the order

LSB 1717YC (2) 85

-1-

rn/nh

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 issued pursuant to paragraph "e". Facilities for which advanced
2 ratemaking principles are obtained pursuant to this section
3 shall not be subject to a subsequent board review pursuant to
4 section 476.6, subsection 21 to the extent that the investment
5 has been considered by the board under this section. To the
6 extent an eligible utility has been authorized to make capital
7 investments subject to section 476.6, subsection 21, such
8 investments shall not be eligible for ratemaking principles
9 pursuant to this section.

10 (2) Leases or owns in Iowa, in whole or in part, a new
11 baseload electric power generating facility with a nameplate
12 generating capacity equal to or greater than three hundred
13 megawatts or a combined-cycle electric power generating
14 facility, or a new alternate energy production facility as
15 defined in section 476.42.

16 (3) Enters into a power purchase agreement with a term
17 longer than seven years to purchase in excess of three hundred
18 megawatts of output from an electric power generating facility
19 in this state.

20 b. In determining the applicable ratemaking principles,
21 the board shall not be limited to traditional ratemaking
22 principles or traditional cost recovery mechanisms. Among the
23 principles and mechanisms the board may consider, the board
24 has the authority to approve ratemaking principles proposed by
25 a rate-regulated public utility that provide for reasonable
26 restrictions upon the ability of the public utility to seek
27 a general increase in electric rates under section 476.6 for
28 at least three years after the generating facility begins
29 providing service to Iowa customers.

30 c. In determining the applicable ratemaking principles, the
31 board shall make the following findings:

32 (1) The rate-regulated public utility has in effect a
33 board-approved energy efficiency plan as required under section
34 476.6, subsection 16.

35 (2) The rate-regulated public utility has demonstrated

LSB 1717YC (2) 85
rn/nh

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 to the board that the public utility has considered other
2 sources for long-term electric supply and that the facility,
3 ~~or lease, or power purchase agreement~~ is reasonable when
4 compared to other feasible alternative sources of supply. The
5 rate-regulated public utility may satisfy the requirements of
6 this subparagraph through a competitive bidding process, under
7 rules adopted by the board, that demonstrate the facility, or
8 lease, or power purchase agreement is a reasonable alternative
9 to meet its electric supply needs.

10 *d.* The applicable ratemaking principles shall be determined
11 in a contested case proceeding, which proceeding may be
12 combined with the proceeding for issuance of a certificate
13 conducted pursuant to chapter 476A.

14 *e.* The order setting forth the applicable ratemaking
15 principles shall be issued prior to the commencement of
16 construction or lease of, or purchase of power by agreement
17 from, the facility.

18 *f.* Following issuance of the order, the rate-regulated
19 public utility shall have the option of proceeding according to
20 either of the following:

21 (1) Withdrawing its application for a certificate pursuant
22 to chapter 476A.

23 (2) Proceeding with the construction or lease of, or
24 purchase of power by agreement from, the facility.

25 *g.* Notwithstanding any provision of this chapter to the
26 contrary, the ratemaking principles established by the order
27 issued pursuant to paragraph "e" shall be binding with regard
28 to the specific electric power generating facility or power
29 purchase agreement in any subsequent rate proceeding.

30 EXPLANATION

31 This bill relates to the advance determination by the Iowa
32 utilities board of applicable ratemaking principles when
33 regulated electric rates are proposed to include the costs of
34 specified actions by a rate-regulated public utility.

35 Currently, Code section 476.53 provides that the board shall

LSB 1717YC (2) 85

-3-

rn/nh

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 issue a ratemaking principles order when a rate-regulated
2 public utility files an application to construct in Iowa a
3 baseload electric power generating facility with a nameplate
4 generating capacity equal to or greater than 300 megawatts
5 or a combined-cycle electric power generating facility, or
6 an alternate energy production facility; or to significantly
7 alter an existing generating facility; or leases or owns such
8 a facility. The bill additionally provides for the issuance
9 of a ratemaking principles order when a rate-regulated public
10 utility enters into a power purchase agreement with a term
11 longer than seven years to purchase in excess of 300 megawatts
12 of output from a generating facility in Iowa. The bill makes
13 conforming changes throughout the Code section consistent with
14 this addition.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House Study Bill 189 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act relating to the licensing of plumbing, mechanical,
2 HVAC-refrigeration, sheet metal, or hydronic professionals
3 and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1690YC (5) 85
jr/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 Section 1. Section 91C.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. A contractor licensed under chapter
4 105 shall be exempt from having to register in Iowa as
5 a contractor under this chapter. The Iowa department of
6 workforce development shall work with the Iowa department of
7 public health to ensure that the workers' compensation and
8 unemployment insurance information provided on the contractor
9 license application is valid. The labor commissioner shall not
10 accept contractor registration applications from contractors
11 who are required to be licensed under chapter 105.

12 Sec. 2. Section 105.2, subsections 1, 3, 6, 9, 10, 11, 12,
13 and 17, Code 2013, are amended to read as follows:

14 1. "Apprentice" means any person, other than a helper,
15 journeyperson, or master, who, as a principal occupation,
16 is engaged in working as an employee of a plumbing, HVAC,
17 ~~refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or
18 hydronic systems contractor under the direct supervision of
19 either a master or a journeyperson and is progressing toward
20 completion of an apprenticeship training program registered by
21 the office of apprenticeship of the United States department of
22 labor while learning and assisting in the design, installation,
23 and repair of plumbing, HVAC, refrigeration, sheet metal, or
24 hydronic systems, as applicable.

25 3. "Contractor" means a person or entity that provides
26 plumbing, mechanical, HVAC, refrigeration, sheet metal, or
27 hydronic systems services on a contractual basis and who is
28 paid a predetermined amount under that contract for rendering
29 those services.

30 6. "Helper" means a person engaged in general manual
31 labor activities who provides assistance to an apprentice,
32 journeyperson, or master while under the direct supervision of
33 a journeyperson or master.

34 9. "Journeyperson" means any person, other than a master,
35 who, as a principal occupation, is engaged as an employee of,

LSB 1690YC (5) 85

-1-

jr/sc

1/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 or otherwise working under the direction of, a master in the
2 design, installation, and repair of plumbing, mechanical, HVAC,
3 refrigeration, sheet metal, or hydronic systems, as applicable.

4 10. "*Master*" means any person who works in the planning
5 or superintending of the design, installation, or repair of
6 plumbing, mechanical, HVAC, refrigeration, sheet metal, or
7 hydronic systems and is otherwise lawfully qualified to conduct
8 the business of plumbing, mechanical, HVAC, refrigeration,
9 sheet metal, or hydronic systems, and who is familiar with the
10 laws and rules governing the same.

11 11. "*Mechanical professional*" means a person engaged in the
12 HVAC, refrigeration, sheet metal, or hydronic industry.

13 12. "*Mechanical systems*" means HVAC, refrigeration, sheet
14 metal, and hydronic systems.

15 17. "*Routine maintenance*" means the maintenance, repair,
16 or replacement of existing fixtures or parts of plumbing,
17 mechanical, HVAC, refrigeration, sheet metal, or hydronic
18 systems in which no changes in original design are made.
19 Fixtures or parts do not include smoke and fire dampers, or
20 water, gas, or steam piping permanent repairs except for traps
21 or strainers. "*Routine maintenance*" shall include emergency
22 repairs, and the board shall define the term "*emergency repairs*"
23 to include the repair of water pipes to prevent imminent
24 damage to property. "*Routine maintenance*" does not include the
25 replacement of furnaces, boilers, cooling appliances, or water
26 heaters more than one hundred gallons in size.

27 Sec. 3. Section 105.2, Code 2013, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 18. "*Sheet metal*" means heating,
30 ventilation, air conditioning, fume hood systems, and related
31 ducted systems, or installation of equipment associated
32 with any component of a sheet metal system, for purposes of
33 pollution control. "*Sheet metal*" excludes refrigeration and
34 electrical lines and all natural gas, propane, liquid propane,
35 or other gas lines associated with any component of a sheet

LSB 1690YC (5) 85

-2-

jr/sc

2/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 metal system.

2 Sec. 4. Section 105.3, subsection 2, paragraph a,
3 unnumbered paragraph 1, Code 2013, is amended to read as
4 follows:

5 The board shall be comprised of ~~eleven~~ nine members,
6 appointed by the governor, as follows:

7 Sec. 5. Section 105.3, subsection 2, paragraph a,
8 subparagraphs (1) and (2), Code 2013, are amended by striking
9 the subparagraphs.

10 Sec. 6. Section 105.3, subsection 7, Code 2013, is amended
11 to read as follows:

12 7. The board may maintain a membership in any national
13 organization of state boards for the professions of plumbing,
14 mechanical, HVAC, refrigeration, sheet metal, or hydronic
15 professionals, with all membership fees to be paid from funds
16 appropriated to the board.

17 Sec. 7. Section 105.4, subsection 1, Code 2013, is amended
18 to read as follows:

19 1. The board shall establish by rule a plumbing installation
20 code governing the installation of plumbing in this state.
21 The board shall adopt the most current version of the uniform
22 plumbing code and the international mechanical code, as the
23 state plumbing code and the state mechanical code, to govern
24 the installation of plumbing and mechanical systems in this
25 state. The board shall adopt the current version of each code
26 within six months of its being released. However, the board
27 and local jurisdictions may adopt standards that are more
28 restrictive. Local jurisdictions shall have until December
29 31, 2014, to comply with the state plumbing code and state
30 mechanical code.

31 Sec. 8. Section 105.9, subsections 6, 7, and 8, Code 2013,
32 are amended by striking the subsections.

33 Sec. 9. Section 105.10, subsections 1 and 2, Code 2013, are
34 amended to read as follows:

35 1. Except as provided in section 105.11, a person shall

LSB 1690YC (5) 85

-3-

jr/sc

3/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 not operate as a contractor or install or repair plumbing,
2 mechanical, HVAC, refrigeration, sheet metal, or hydronic
3 systems without obtaining a license issued by the board, or
4 install or repair medical gas piping systems without obtaining
5 a valid certification approved by the board.

6 2. Except as provided in section 105.11, a person shall not
7 engage in the business of designing, installing, or repairing
8 plumbing, mechanical, HVAC, refrigeration, sheet metal, or
9 hydronic systems unless at all times a licensed master, who
10 shall be responsible for the proper designing, installing, and
11 repairing of the HVAC, refrigeration, sheet metal, or hydronic
12 system, is employed by the person and is actively in charge of
13 the plumbing, mechanical, HVAC, refrigeration, sheet metal, or
14 hydronic work of the person. An individual who performs such
15 work pursuant to a business operated as a sole proprietorship
16 shall be a licensed master in the applicable discipline.

17 Sec. 10. Section 105.10, subsection 3, Code 2013, is amended
18 by striking the subsection and inserting in lieu thereof the
19 following:

20 3. An individual holding a master mechanical license shall
21 not be required to get a mechanical, HVAC-refrigeration,
22 sheet metal, or hydronic license in order to design, install,
23 or repair the work defined in this chapter as mechanical,
24 HVAC-refrigeration, sheet metal, or hydronic work. An
25 individual holding a journey mechanical license shall not be
26 required to get a mechanical, HVAC-refrigeration, sheet metal,
27 or hydronic license in order to install and repair the work
28 defined in this chapter as mechanical, HVAC-refrigeration,
29 sheet metal, or hydronic work. An individual holding a master
30 or journey mechanical license shall also not be required to
31 obtain a special, restricted license that is designated as a
32 sublicense of the mechanical, HVAC-refrigeration, sheet metal,
33 or hydronic licenses.

34 Sec. 11. Section 105.11, subsections 1, 7, and 10, Code
35 2013, are amended to read as follows:

LSB 1690YC (5) 85

-4-

jr/sc

4/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 1. Apply to a person licensed as an engineer pursuant to
2 chapter 542B, licensed as a manufactured home retailer or
3 certified as a manufactured home installer pursuant to chapter
4 103A, registered as an architect pursuant to chapter 544A, or
5 licensed as a landscape architect pursuant to chapter 544B
6 who provides consultations or develops plans or other work
7 concerning plumbing, HVAC, refrigeration, sheet metal, or
8 hydronic work and who is exclusively engaged in the practice of
9 the person's profession.

10 7. Require a helper engaged in general manual labor
11 activities while providing assistance to an apprentice,
12 journeyman, or master to obtain a plumbing, HVAC,
13 ~~refrigeration~~, mechanical, HVAC-refrigeration, sheet metal,
14 or hydronic license. Experience as a helper shall not be
15 considered as practical experience for a journeyman license.

16 10. Apply to the employees of manufacturers, manufacturer
17 representatives, or wholesale suppliers who provide
18 consultation or develop plans concerning plumbing, HVAC,
19 refrigeration, sheet metal, or hydronic work, or who assist
20 a person licensed under this chapter in the installation of
21 mechanical or plumbing systems.

22 Sec. 12. Section 105.12, subsection 1, Code 2013, is amended
23 to read as follows:

24 1. A contracting, plumbing, HVAC, ~~refrigeration~~,
25 mechanical, HVAC-refrigeration, sheet metal, or hydronic
26 license shall be in the form of a certificate under the seal of
27 the department, signed by the director of public health, and
28 shall be issued in the name of the board. The license number
29 shall be noted on the face of the license.

30 Sec. 13. Section 105.15, Code 2013, is amended to read as
31 follows:

32 **105.15 Registry of licenses.**

33 The name, location, license number, and date of issuance of
34 the license of each person to whom a license has been issued
35 shall be entered in a registry kept in the office of the

LSB 1690YC (5) 85

-5-

jr/sc

5/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 department to be known as the plumbing, ~~HVAC, refrigeration,~~
2 mechanical, HVAC-refrigeration, sheet metal, or hydronic
3 registry. The registry may be electronic and shall be open
4 to public inspection; ~~however.~~ However, the licensee's home
5 address, home telephone number, and other personal information
6 as determined by rule shall be confidential.

7 Sec. 14. Section 105.16, Code 2013, is amended to read as
8 follows:

9 **105.16 Change of residence.**

10 If a person licensed to practice as a contractor or a
11 plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration,
12 sheet metal, or hydronic professional under this chapter
13 changes the person's residence or place of practice, the person
14 shall so notify the board.

15 Sec. 15. Section 105.17, Code 2013, is amended to read as
16 follows:

17 **105.17 Preemption of local licensing requirements.**

18 1. The provisions of this chapter regarding the licensing of
19 plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration,
20 sheet metal, and hydronic professionals and contractors shall
21 supersede and preempt all plumbing, ~~HVAC, refrigeration,~~
22 mechanical, HVAC-refrigeration, sheet metal, hydronic,
23 and contracting licensing provisions of all governmental
24 subdivisions.

25 ~~a. A governmental subdivision that issues licenses on~~
26 ~~July 1, 2008, shall continue to issue licenses until June 30,~~
27 ~~2009.~~ On July 1, 2009, all plumbing and mechanical licensing
28 provisions promulgated by any governmental subdivision shall
29 be null and void, except reciprocal licenses as provided in
30 section 105.21, and of no further force and effect.

31 ~~b. On and after July 1, 2008, a governmental subdivision~~
32 ~~shall not prohibit a contractor or a plumbing, HVAC,~~
33 ~~refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal,
34 or hydronic professional licensed pursuant to this chapter
35 from performing services for which that person is licensed

LSB 1690YC (5) 85

-6-

jr/sc

6/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 pursuant to this chapter or enforce any plumbing and
2 mechanical licensing provisions promulgated by the governmental
3 subdivision against a person licensed pursuant to this chapter.

4 2. Nothing in this chapter shall prohibit a governmental
5 subdivision from assessing and collecting permit fees or
6 inspection fees related to work performed by ~~plumbers and~~
7 ~~mechanical~~ plumbing, mechanical, HVAC-refrigeration, sheet
8 metal, or hydronic professionals.

9 Sec. 16. Section 105.18, subsection 2, unnumbered paragraph
10 1, Code 2013, is amended to read as follows:

11 The board shall issue ~~separate master and contractor~~
12 licenses for plumbing, HVAC, refrigeration mechanical,
13 HVAC-refrigeration, sheet metal, and hydronic professionals
14 ~~and for contractors.~~ The board shall issue apprentice
15 and journey person licenses for plumbing, mechanical,
16 HVAC-refrigeration, sheet metal, and hydronic professionals.
17 A plumbing license shall allow an individual to perform work
18 defined as plumbing. A mechanical license shall allow an
19 individual to perform work defined as HVAC, refrigeration,
20 sheet metal, and hydronic. An HVAC-refrigeration license
21 shall allow an individual to perform work defined as HVAC and
22 refrigeration. A hydronic license shall allow an individual to
23 perform work defined as hydronic. A sheet metal license shall
24 allow an individual to perform work defined as sheet metal.
25 The board shall issue the separate licenses as follows:

26 Sec. 17. Section 105.18, subsection 2, paragraph a,
27 subparagraph (2), Code 2013, is amended to read as follows:

28 (2) Certify that the person will work under the direct
29 supervision of a licensed journey person or master in the
30 ~~applicable discipline~~ who is licensed to do the type of
31 work that the apprentice is performing. For the purposes of
32 this chapter, direct supervision means that the supervising
33 journey person or master is on the same job site as the
34 apprentice.

35 Sec. 18. Section 105.18, subsection 2, paragraph d,

LSB 1690YC (5) 85

-7-

jr/sc

7/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 subparagraph (1), Code 2013, is amended to read as follows:

2 (1) File an application and pay application fees as
3 established by the board, which application shall provide ~~the~~
4 ~~person's state contractor registration number~~ proof of workers'
5 compensation insurance coverage and unemployment insurance
6 compliance and establish that the person meets the minimum
7 requirements adopted by the board.

8 Sec. 19. Section 105.18, subsection 3, paragraph b, Code
9 2013, is amended to read as follows:

10 *b. Special, restricted license.* The board may by rule
11 provide for the issuance of special plumbing and mechanical
12 professional licenses authorizing the licensee to engage in a
13 limited class or classes of plumbing or mechanical professional
14 work, which class or classes shall be specified on the license.
15 Each licensee shall have experience, acceptable to the board,
16 in each such limited class for which the person is licensed.
17 The board shall designate each special, restricted license to
18 be a sublicense of either a plumbing, ~~HVAC, refrigeration,~~
19 ~~mechanical,~~ HVAC-refrigeration, sheet metal, or hydronic
20 license. A special, restricted license may be a sublicense of
21 multiple types of licenses. An individual holding a master
22 or journeyperson, plumbing, ~~HVAC, refrigeration,~~ mechanical,
23 HVAC-refrigeration, sheet metal, or hydronic license shall not
24 be required to obtain any special, restricted license which is
25 a sublicense of the license that the individual holds. Special
26 plumbing and mechanical professional licenses shall be issued
27 to employees of a rate-regulated gas or electric public utility
28 who conduct the repair of appliances. *"Repair of appliances"*
29 means the repair or replacement of mechanical connections
30 between the appliance shutoff valve and the appliance and
31 repair of or replacement of parts to the appliance. Such
32 special, restricted license shall require certification
33 pursuant to industry-accredited certification standards.

34 Sec. 20. Section 105.18, subsection 3, paragraph d, Code
35 2013, is amended to read as follows:

LSB 1690YC (5) 85

-8-

jr/sc

8/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 *d.* An individual that holds either a master or
2 journeyperson ~~HVAC license or a master or journeyperson~~
3 ~~refrigeration mechanical license or a master or journeyperson~~
4 HVAC-refrigeration license shall be exempt from having to
5 obtain a special electrician's license pursuant to chapter 103
6 in order to perform disconnect and reconnect of existing air
7 conditioning and refrigeration systems.

8 Sec. 21. Section 105.18, subsections 4 and 5, Code 2013, are
9 amended by striking the subsections.

10 Sec. 22. Section 105.21, Code 2013, is amended to read as
11 follows:

12 **105.21 Reciprocal licenses.**

13 The board may license without examination a nonresident
14 applicant who is licensed under plumbing, ~~HVAC, refrigeration,~~
15 mechanical, HVAC-refrigeration, sheet metal, or hydronic
16 professional licensing statutes of another state having similar
17 licensing requirements as those set forth in this chapter and
18 the rules adopted under this chapter if the other state grants
19 the same reciprocal licensing privileges to residents of Iowa
20 who have obtained Iowa plumbing or mechanical professional
21 licenses under this chapter. The board shall adopt the
22 necessary rules, not inconsistent with the law, for carrying
23 out the reciprocal relations with other states which are
24 authorized by this chapter.

25 Sec. 23. Section 105.22, unnumbered paragraph 1, Code 2013,
26 is amended to read as follows:

27 A license to practice as a contractor or as a plumbing, ~~HVAC,~~
28 ~~refrigeration, mechanical, HVAC-refrigeration, sheet metal,~~
29 or hydronic professional may be revoked or suspended, or an
30 application for licensure may be denied pursuant to procedures
31 established pursuant to chapter 272C by the board, or the
32 licensee may be otherwise disciplined in accordance with that
33 chapter, when the licensee commits any of the following acts
34 or offenses:

35 Sec. 24. Section 105.25, Code 2013, is amended to read as

LSB 1690YC (5) 85

-9-

jr/sc

9/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 follows:

2 **105.25 Advertising — violations — penalties.**

3 1. Only a person who is duly licensed pursuant to this
4 chapter may advertise the fact that the person is licensed as a
5 contractor or as a plumbing, HVAC, refrigeration, mechanical,
6 HVAC-refrigeration, sheet metal, or hydronic professional by
7 the state of Iowa.

8 2. All written advertisements distributed in this state by a
9 person who is engaged in the business of designing, installing,
10 or repairing plumbing, HVAC, refrigeration, sheet metal, or
11 hydronic systems shall include the listing of ~~at least one~~
12 ~~master the contractor~~ license number, as applicable. A master
13 ~~plumbing, HVAC, refrigeration, or hydronic professional shall~~
14 ~~not allow the master's license number to be used in connection~~
15 ~~with the advertising for more than one person engaged in the~~
16 ~~business of designing, installing, or repairing plumbing, HVAC,~~
17 ~~refrigeration, or hydronic systems.~~

18 3. A person who fraudulently claims to be a licensed
19 contractor or a licensed plumbing, HVAC, refrigeration,
20 mechanical, HVAC-refrigeration, sheet metal, or hydronic
21 professional pursuant to this chapter, either in writing,
22 cards, signs, circulars, advertisements, or other
23 communications, is guilty of a simple misdemeanor.

24 4. A person who fraudulently lists a contractor ~~or a master~~
25 plumbing, HVAC, refrigeration, mechanical, HVAC-refrigeration,
26 sheet metal, or hydronic license number in connection with
27 that person's advertising or falsely displays a contractor
28 ~~or a master~~ plumbing, HVAC, refrigeration, mechanical,
29 HVAC-refrigeration, sheet metal, or hydronic professional
30 license number is guilty of a simple misdemeanor. ~~In order~~
31 ~~to be entitled to use a license number of a master plumbing,~~
32 ~~HVAC, refrigeration, or hydronic professional, the master~~
33 ~~plumbing, HVAC, refrigeration, or hydronic professional must be~~
34 ~~employed by the person in whose name the business of designing,~~
35 ~~installing, or repairing plumbing or mechanical systems is~~

LSB 1690YC (5) 85

-10-

jr/sc

10/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 ~~being conducted.~~

2 Sec. 25. Section 105.29, Code 2013, is amended to read as
3 follows:

4 **105.29 Report of violators.**

5 Every licensee and every member of the board shall report
6 to the board the name of every person who is practicing
7 as a contractor or as a ~~plumber or plumbing~~, mechanical,
8 HVAC-refrigeration, sheet metal, or hydronic professional
9 without a license issued pursuant to this chapter pursuant
10 to the knowledge or reasonable belief of the person making
11 the report. The opening of an office or place of business
12 for the purpose of providing any services for which a license
13 is required by this chapter, the announcing to the public in
14 any way the intention to provide any such service, the use of
15 any professional designation, or the use of any sign, card,
16 circular, device, vehicle, or advertisement, as a provider of
17 any such services shall be prima facie evidence of engaging
18 in the practice of a contractor or a ~~plumber or plumbing~~,
19 mechanical, HVAC-refrigeration, sheet metal, or hydronic
20 professional.

21 Sec. 26. NEW SECTION. **105.31 Licenses.**

22 1. License expiration.

23 a. All licenses currently in effect shall expire on December
24 31, 2014. Licenses set to expire after that date, when renewed
25 under the provisions of paragraph "c", shall be renewed at a
26 reduced rate to reflect the portion of the three-year period
27 paid for under the previous license.

28 b. Any license that is currently set to expire before
29 December 31, 2014, shall remain in effect, at no additional
30 charge or fee, until December 31, 2014.

31 c. A license issued on or after January 1, 2015, will expire
32 on the same date every three years. A person issued a license
33 during a three-year licensing cycle shall be charged a fee
34 prorated in quarterly increments.

35 2. License reissue.

LSB 1690YC (5) 85

-11-

jr/sc

11/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

- 1 *a.* A licensee holding an HVAC license or a refrigeration
2 license shall be issued an HVAC-refrigeration license.
3 *b.* A licensee holding both an HVAC license and a hydronic
4 license shall be issued a mechanical license.
5 *c.* A licensee holding both a refrigeration license and a
6 hydronic license shall be issued a mechanical license.
7 *d.* A licensee holding an HVAC license or a refrigeration
8 license may take the hydronic test before December 31, 2014, in
9 order to be issued a mechanical license.

10 EXPLANATION

11 This bill redefines plumbing, HVAC, refrigeration, or
12 hydronic systems professionals as plumbing, mechanical,
13 HVAC-refrigeration, sheet metal, or hydronic professionals.
14 The bill provides the following:

- 15 *a.* A licensee holding an HVAC license or refrigeration
16 license shall be issued an HVAC-refrigeration license.
17 *b.* A licensee holding an HVAC license and a hydronic
18 license shall be issued a mechanical license.
19 *c.* A licensee holding a refrigeration license and a
20 hydronic license shall be issued a mechanical license.
21 *d.* A licensee holding an HVAC license or a refrigeration
22 license may take the hydronic test and be issued a mechanical
23 license.

24 The bill exempts these professionals from the contractor
25 registration requirements of Code chapter 91C. The Iowa
26 department of workforce development is to work with the
27 Iowa department of public health to ensure that the workers'
28 compensation and unemployment insurance information provided on
29 the contractor license application is valid.

30 The bill provides that all licenses currently in effect
31 expire on December 31, 2014. Licenses set to expire after
32 that date may be renewed at a reduced rate. Licenses that are
33 currently set to expire before December 31, 2014, shall remain
34 in effect, at no additional charge, until December 31, 2014.

35 The bill provides that all licenses issued on or after

LSB 1690YC (5) 85

-12-

jr/sc

12/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 January 1, 2015, will expire on the same date every three
2 years. Licenses issued during a three-year licensing cycle
3 shall have the fee prorated in quarterly increments.

4 In addition to the administrative penalties set out in
5 Code chapter 272C, relating to licensees, Code chapter 105
6 makes it a simple misdemeanor for a person to claim to be a
7 mechanical, HVAC, refrigeration, sheet metal, or hydronic
8 contractor or professional. A simple misdemeanor is punishable
9 by confinement for no more than 30 days or a fine of at least
10 \$65 but not more than \$625 or both.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House Study Bill 190 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

- 1 An Act concerning the municipal fire and police retirement
- 2 system and including effective date and retroactive
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2278YC (3) 85
ec/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 Section 1. Section 400.8, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. The commission, when necessary under the rules,
4 including minimum and maximum age limits, which shall be
5 prescribed and published in advance by the commission and
6 posted in the city hall, shall hold examinations for the
7 purpose of determining the qualifications of applicants
8 for positions under civil service, other than promotions,
9 which examinations shall be practical in character and shall
10 relate to matters which will fairly test the mental and
11 physical ability of the applicant to discharge the duties of
12 the position to which the applicant seeks appointment. The
13 physical examination of applicants for appointment to the
14 positions of police officer, police matron, or fire fighter
15 shall be held in accordance with medical protocols established
16 by the board of trustees of the fire and police retirement
17 system established by section 411.5 and shall be conducted
18 in accordance with the directives of the board of trustees.
19 However, the prohibitions of section 216.6, subsection 1,
20 paragraph "d", regarding tests for the presence of the antibody
21 to the human immunodeficiency virus shall not apply to such
22 examinations. The board of trustees may change the medical
23 protocols at any time the board so determines. In the event of
24 a conflict between the medical protocols established under this
25 section and the minimum entrance requirements of the Iowa law
26 enforcement academy under section 80B.11, the medical protocols
27 established under this section shall control. The physical
28 examination of an applicant for the position of police officer,
29 police matron, or fire fighter shall be conducted after a
30 conditional offer of employment has been made to the applicant.
31 An applicant shall not be discriminated against on the basis
32 of height, weight, sex, or race in determining physical or
33 mental ability of the applicant. Reasonable rules relating to
34 strength, agility, and general health of applicants shall be
35 prescribed. The costs of the physical examination required

LSB 2278YC (3) 85
ec/sc

-1-

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 under this subsection shall be paid from the trust and agency
2 fund of the city.

3 Sec. 2. Section 411.1, subsection 14, Code 2013, is amended
4 to read as follows:

5 14. "*Member in good standing*" means a member in service who
6 is not subject to removal by the employing city of the member
7 pursuant to section 400.18 or 400.19, or other comparable
8 process, and who is not the subject of an investigation that
9 could lead to such removal. A Except as specifically provided
10 pursuant to section 411.9, a person who is restored to active
11 service for purposes of applying for a pension under this
12 chapter is not a member in good standing.

13 Sec. 3. Section 411.1, Code 2013, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 23. "*Vested member*" means a member who has
16 become eligible to receive monthly retirement benefits upon the
17 member's retirement as the result of either completing at least
18 four years of service or of attaining the age of fifty-five
19 while performing membership service.

20 Sec. 4. Section 411.5, subsection 12, paragraph e, Code
21 2013, is amended by striking the paragraph and inserting in
22 lieu thereof the following:

23 e. Notwithstanding any provision of this chapter to the
24 contrary, all benefits under this chapter shall commence no
25 later than the required beginning date specified under section
26 401(a)(9) of the federal Internal Revenue Code and shall comply
27 with the required minimum distribution provisions of that
28 section.

29 Sec. 5. Section 411.6, subsection 1, paragraph b, Code 2013,
30 is amended to read as follows:

31 b. Any vested member in service ~~who has been a member of~~
32 ~~the retirement system four or more years and~~ whose employment
33 is terminated ~~prior to the member's retirement~~, other than by
34 death or disability, prior to the member being credited with
35 twenty-two years of service shall, upon attaining retirement

LSB 2278YC (3) 85

-2-

ec/sc

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 age for a vested member with four or more years of service
2 or upon application to the system for a vested member with
3 less than four years of service, receive a service retirement
4 allowance of four as calculated in the manner provided in this
5 paragraph. A vested member receiving a retirement allowance
6 pursuant to this paragraph shall receive a service retirement
7 allowance equal to one twenty-seconds of the retirement
8 allowance the member would receive at retirement if the
9 member's employment had not been terminated, and an additional
10 one twenty-second of such retirement allowance for each
11 additional year of service not exceeding based on twenty-two
12 years of service, multiplied by the number of years of service
13 credited to the member. The amount of the retirement allowance
14 shall be calculated in the manner provided in this paragraph
15 using the average final compensation at the time of termination
16 of employment.

17 Sec. 6. Section 411.6, subsection 8, paragraph c,
18 subparagraph (3), Code 2013, is amended by striking the
19 subparagraph.

20 Sec. 7. Section 411.9, subsection 2, Code 2013, is amended
21 to read as follows:

22 2. In the case of a member's death occurring on or after
23 January 1, 2007, if the member dies while performing qualified
24 military service as defined in section 414(u) of the Internal
25 Revenue Code, the survivors of the member are entitled to any
26 additional benefits, ~~other than benefit accruals relating to~~
27 ~~the period of qualified military service,~~ provided by the
28 system as if the member had resumed membership service and
29 had died as the natural and proximate result of an injury or
30 disease incurred in or aggravated by the actual performance of
31 duty at some definite time and place.

32 Sec. 8. Section 411.9, Code 2013, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 2A. In the case of a member's disability
35 incurred while performing qualified military service as defined

LSB 2278YC (3) 85
ec/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 in section 414(u) of the Internal Revenue Code, the member
2 shall be treated as a member in good standing, whether or
3 not the member returns to membership service, and shall be
4 permitted to file an application for an ordinary disability
5 retirement benefit as provided in section 411.6.

6 Sec. 9. Section 411.9, Code 2013, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 2B. In the case of a member's death or
9 disability occurring on or after January 1, 2007, if the member
10 is unable to resume membership service as a result of death or
11 disability incurred while performing qualified military service
12 as defined in section 414(u) of the Internal Revenue Code,
13 the member shall be treated as if the member had returned to
14 membership service and the period of military service shall be
15 treated as membership service.

16 Sec. 10. Section 411.23, subsection 1, Code 2013, is amended
17 to read as follows:

18 1. Commencing July 1, 1990, if an active member, in service
19 on or after that date, terminates service, other than by death
20 or disability, the member may elect to withdraw the member's
21 contributions under section 411.8, subsection 1, paragraphs "f"
22 and "h", together with interest thereon at a rate determined by
23 the board of trustees. If the member is married at the time
24 of the application for withdrawal, the application is subject
25 to the consent of the member's spouse unless the amount to be
26 withdrawn does not exceed the amount that may be withdrawn
27 without consent as established by section 401(a) of the federal
28 Internal Revenue Code. If a member withdraws contributions as
29 provided in this section, the member shall be deemed to have
30 waived all claims for other benefits from the system for the
31 period of membership service for which the contributions are
32 withdrawn.

33 Sec. 11. Section 411.36, subsection 1, paragraph a,
34 subparagraph (3), Code 2013, is amended to read as follows:

35 (3) A city treasurer, city financial officer, ~~or~~ city clerk,

LSB 2278YC (3) 85
ec/sc

4/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 or other city officer involved with the management of the
2 financial matters of the city from four participating cities,
3 one of whom is from a city having a population of less than
4 thirty thousand, and three of whom are from cities having a
5 population of thirty thousand or more. The members authorized
6 pursuant to this paragraph shall be appointed by the governing
7 body of the Iowa league of cities.

8 Sec. 12. EFFECTIVE UPON ENACTMENT. The following
9 provision or provisions of this Act, being deemed of immediate
10 importance, take effect upon enactment:

11 1. The section of this Act amending section 411.9,
12 subsection 2.

13 2. The section of this Act enacting section 411.9,
14 subsection 2B.

15 3. The section of this Act amending section 411.36,
16 subsection 1.

17 Sec. 13. RETROACTIVE APPLICABILITY. The following
18 provision or provisions of this Act apply retroactively to
19 January 1, 2007:

20 1. The section of this Act amending section 411.9,
21 subsection 2.

22 2. The section of this Act enacting section 411.9,
23 subsection 2B.

24 Sec. 14. RETROACTIVE APPLICABILITY. The following
25 provision or provisions of this Act apply retroactively to
26 appointments made on or after January 1, 2013:

27 1. The section of this Act amending section 411.36,
28 subsection 1.

29 EXPLANATION

30 This bill makes changes to the Municipal Fire and Police
31 Retirement System (MFPRSI).

32 Code section 400.8, concerning entrance examinations for
33 civil service employees, is amended to provide that if a
34 conflict exists between the medical protocols established by
35 the board of trustees of MFPRSI for police and fire fighters

LSB 2278YC (3) 85
ec/sc

-5-

5/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 and the entrance requirements for the Iowa Law Enforcement
2 Academy, the medical protocols established by the MFPRSI board
3 shall control.

4 Code section 411.1 is amended to define a vested member of
5 MFPRSI as a member who is eligible to receive a retirement
6 benefit by completing at least four years of service or
7 attaining age 55 while performing membership service.

8 Code section 411.5, concerning the administration of MFPRSI,
9 is amended to provide that benefits paid under MFPRSI shall
10 comply with the required beginning date and required minimum
11 distribution provisions of the federal Internal Revenue Code.

12 Code section 411.6(1), concerning calculation of a service
13 retirement benefit, is amended to provide that a vested member
14 of MFPRSI with less than 22 years of membership service is
15 entitled to receive a service retirement allowance based on the
16 number of years of service credited to the member. Current
17 law provides this service retirement allowance only to those
18 members with at least four years of service.

19 Code section 411.6(8), concerning an ordinary death benefit
20 under MFPRSI, is amended by striking the provision granting
21 to the deceased member's dependent parents, if there is no
22 surviving spouse or child, an option to elect as the death
23 benefit a monthly pension benefit in lieu of a lump sum
24 payment. The change does not eliminate the ability of a
25 deceased member's parents to receive a lump sum ordinary death
26 benefit if otherwise eligible.

27 Code section 411.9, concerning military service, is amended
28 by adding two new subsections.

29 New Code section 411.9(2A) provides that if a member's
30 disability was incurred while performing qualified military
31 service, the member shall be permitted to file an application
32 for an ordinary disability retirement regardless of whether the
33 member returned to membership service following the disability.

34 New Code section 411.9(2B) provides that if a member is
35 unable to return to membership service following the member's

LSB 2278YC (3) 85
ec/sc

6/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 death or disability occurring on or after January 1, 2007,
2 while performing qualified military service, the member shall
3 be treated as having returned to membership service and the
4 period of military service shall be treated as membership
5 service for purposes of Code chapter 411. Code section
6 411.9(2) is also amended to reflect that the period of military
7 service shall be counted as membership service for purposes of
8 providing death benefits to a member who dies while performing
9 qualified military service. The bill provides that both
10 changes take effect upon enactment and apply retroactively to
11 January 1, 2007.

12 Code section 411.23(1), concerning withdrawal of
13 contributions, is amended to provide that a member who
14 terminates service and elects to withdraw the member's
15 contributions to MFPRSI shall be subject to the consent of
16 the member's spouse if the amount to be withdrawn exceeds the
17 amount that may be withdrawn as established by the federal
18 Internal Revenue Code. Currently, the maximum amount that
19 may be withdrawn without consent as provided by the federal
20 Internal Revenue Code is \$5,000.

21 Code section 411.36, concerning the board of trustees of the
22 MFPRSI, is amended to provide that the appointment of the city
23 representative of the board is not limited to individuals with
24 the title of city treasurer, city financial officer, or city
25 clerk, but instead allows the appointment of those specified
26 officers or any city officer involved with the management of
27 the financial matters of the city. The bill provides that this
28 change takes effect upon enactment and applies retroactively to
29 appointments to the board made on or after January 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House Study Bill 191 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act relating to the Iowa finance authority and making an
2 appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2116YC (3) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

DIVISION I

IOWA JOBS BOARD

Section 1. Section 12.87, subsection 12, Code 2013, is amended to read as follows:

12. Neither the treasurer of state, the Iowa ~~jobs board~~ finance authority, nor any person acting on behalf of the treasurer of state or the Iowa ~~jobs board~~ finance authority while acting within the scope of their employment or agency, is subject to personal liability resulting from carrying out the powers and duties conferred by this section and sections 12.88 through 12.90.

Sec. 2. Section 16.193, subsection 1, Code 2013, is amended to read as follows:

~~1. The Iowa finance authority, subject to approval by the Iowa jobs board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the Iowa jobs program and Iowa jobs II program. The authority shall provide the board with assistance in implementing administrative functions, be responsible for providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow up. The authority, in cooperation with the board, may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the program.~~

Sec. 3. Section 16.194, subsection 2, Code 2013, is amended to read as follows:

2. A city or county or a public organization in this state may submit an application to the Iowa ~~jobs board~~ authority for financial assistance for a local infrastructure competitive grant for an eligible project under the program, notwithstanding any limitation on the state's percentage in funding as contained in section 29C.6, subsection 17.

Sec. 4. Section 16.194, subsection 4, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The ~~board~~ authority shall consider the following criteria in

LSB 2116YC (3) 85

-1-

ec/nh

1/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 evaluating eligible projects to receive financial assistance
2 under the program:

3 Sec. 5. Section 16.194, subsection 7, Code 2013, is amended
4 to read as follows:

5 7. In order for a project to be eligible to receive
6 financial assistance from the ~~board~~ authority, the project
7 must be a public construction project pursuant to subsection 1
8 with a demonstrated substantial local, regional, or statewide
9 economic impact.

10 Sec. 6. Section 16.194, subsection 8, unnumbered paragraph
11 1, Code 2013, is amended to read as follows:

12 The ~~board~~ authority shall not approve an application for
13 assistance for any of the following purposes:

14 Sec. 7. Section 16.194, subsection 9, paragraph b, Code
15 2013, is amended to read as follows:

16 b. Any portion of an amount allocated for projects
17 that remains unexpended or unencumbered one year after the
18 allocation has been made may be reallocated to another project
19 category, at the discretion of the ~~board~~ authority. The ~~board~~
20 authority shall ensure that all bond proceeds be expended
21 within three years from when the allocation was initially made.

22 Sec. 8. Section 16.194, subsection 10, Code 2013, is amended
23 to read as follows:

24 10. The ~~board~~ authority shall ensure that funds obligated
25 under this section are coordinated with other federal program
26 funds received by the state, and that projects receiving funds
27 are located in geographically diverse areas of the state.

28 Sec. 9. Section 16.194A, subsections 2, 7, 9, and 10, Code
29 2013, are amended to read as follows:

30 2. A city or county in this state that applies the smart
31 planning principles and guidelines pursuant to sections 18B.1
32 and 18B.2 may submit an application to the ~~Iowa jobs board~~
33 authority for financial assistance for a local infrastructure
34 competitive grant for an eligible project under the program,
35 notwithstanding any limitation on the state's percentage in



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 funding as contained in section 29C.6, subsection 17.

2 7. In order for a project to be eligible to receive
3 financial assistance from the ~~board~~ authority, the project
4 must be a public construction project pursuant to subsection 1
5 with a demonstrated substantial local, regional, or statewide
6 economic impact.

7 9. Any portion of an amount allocated for projects
8 that remains unexpended or unencumbered one year after the
9 allocation has been made may be reallocated to another project
10 category, at the discretion of the ~~board~~ authority. The ~~board~~
11 authority shall ensure that all bond proceeds be expended
12 within three years from when the allocation was initially made.

13 10. The ~~board~~ authority shall ensure that funds obligated
14 under this section are coordinated with other federal program
15 funds received by the state, and that projects receiving funds
16 are located in geographically diverse areas of the state.

17 Sec. 10. Section 16.194A, subsection 4, unnumbered
18 paragraph 1, Code 2013, is amended to read as follows:

19 The ~~board~~ authority shall consider the following criteria in
20 evaluating eligible projects to receive financial assistance
21 under the program:

22 Sec. 11. Section 16.194A, subsection 8, unnumbered
23 paragraph 1, Code 2013, is amended to read as follows:

24 The ~~board~~ authority shall not approve an application for
25 assistance for any of the following purposes:

26 Sec. 12. Section 16.195, Code 2013, is amended to read as
27 follows:

28 **16.195 Iowa jobs program application review.**

29 1. Applications for assistance under the Iowa jobs program
30 and Iowa jobs II program shall be submitted to the Iowa finance
31 authority for review and approval. ~~The authority shall provide~~
32 ~~a staff review and evaluation of applications to the Iowa jobs~~
33 ~~program review committee referred to in subsection 2 and to the~~
34 ~~Iowa jobs board.~~

35 2. ~~A review committee composed of members of the board~~

LSB 2116YC (3) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 ~~as determined by the board shall review Iowa jobs program~~
2 ~~applications submitted to the board and make recommendations~~
3 ~~regarding the applications to the board.~~ When reviewing the
4 applications, the ~~review committee and the~~ authority shall
5 consider the project criteria specified in sections 16.194 and
6 16.194A. The ~~board~~ authority shall develop the appropriate
7 level of transparency regarding project fund allocations.

8 3. Upon approval of an application for financial assistance
9 under the program, the ~~board~~ authority shall notify the
10 treasurer of state regarding the amount of moneys needed to
11 satisfy the award of financial assistance and the terms of the
12 award. The treasurer of state shall notify the ~~Iowa finance~~
13 authority any time moneys are disbursed to a recipient of
14 financial assistance under the program.

15 Sec. 13. Section 16.196, Code 2013, is amended to read as
16 follows:

17 16.196 Iowa jobs ~~restricted capitals fund~~ — fund
18 appropriations.

19 1. ~~An Iowa jobs restricted capitals fund is created and~~
20 ~~established as a separate and distinct fund in the state~~
21 ~~treasury. The fund consists of moneys appropriated from~~
22 ~~the revenue bonds capitals fund created in section 12.88.~~
23 ~~The moneys in the fund are appropriated to the Iowa jobs~~
24 ~~board for purposes of the Iowa jobs program established in~~
25 ~~section 16.194. Moneys in the fund shall not be subject to~~
26 ~~appropriation for any other purpose by the general assembly,~~
27 ~~but shall be used only for the purposes of the Iowa jobs~~
28 ~~program. The treasurer of state shall act as custodian of the~~
29 ~~fund and disburse moneys contained in the fund. The fund shall~~
30 ~~be administered by the board which shall make allocations from~~
31 ~~the fund consistent with the purposes of the Iowa jobs program.~~

32 2. 1. There is appropriated from the revenue bonds capitals
33 fund created in section 12.88, to the ~~Iowa jobs restricted~~
34 ~~capitals fund~~ authority, for the fiscal year beginning July 1,
35 2009, and ending June 30, 2010, one hundred sixty-five million



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 dollars to be allocated as follows:

2 *a.* One hundred eighteen million five hundred thousand
3 dollars for competitive grants for local infrastructure
4 projects relating to disaster rebuilding, reconstruction
5 and replacement of local buildings, flood control and flood
6 protection, and future flood prevention public projects. An
7 applicant for a local infrastructure grant shall not receive
8 more than fifty million dollars in financial assistance from
9 the fund.

10 *b.* Forty-six million five hundred thousand dollars for
11 disaster relief and mitigation and local infrastructure
12 grants for the following renovation and construction projects,
13 notwithstanding any limitation on the state's percentage
14 participation in funding as contained in section 29C.6,
15 subsection 17:

16 (1) For grants to a county with a population between
17 one hundred eighty-nine thousand and one hundred ninety-six
18 thousand in the latest preceding certified federal census, to
19 be distributed as follows:

20 (a) Ten million dollars for the construction of a new,
21 shared facility between nonprofit human service organizations
22 serving the public, especially the needs of low-income Iowans,
23 including those displaced as a result of the disaster of 2008.

24 (b) Five million dollars for the construction or renovation
25 of a facility for a county-funded workshop program serving
26 the public and particularly persons with mental illness or
27 developmental disabilities.

28 (2) For grants to a city with a population between one
29 hundred ten thousand and one hundred twenty thousand in the
30 latest preceding certified federal census, to be distributed
31 as follows:

32 (a) Five million dollars for an economic redevelopment
33 project benefiting the public by improving energy efficiency
34 and the development of alternative and renewable energy
35 technologies.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 (b) Ten million dollars for a museum serving the public and
2 dedicated to the preservation of an eastern European cultural
3 heritage through the collection, exhibition, preservation, and
4 interpretation of historical artifacts.

5 (c) Five million dollars for a theater serving the public
6 and promoting culture, entertainment, and tourism.

7 (d) Five million dollars for a public library.

8 (e) Five million dollars for a public works building.

9 (3) One million five hundred thousand dollars, to be
10 distributed as follows:

11 (a) Five hundred thousand dollars to a city with a
12 population between six hundred and six hundred fifty in the
13 latest preceding certified federal census, for a public fire
14 station.

15 (b) Five hundred thousand dollars to a city with a
16 population between one thousand four hundred and one thousand
17 five hundred in the latest preceding certified federal census,
18 for a public fire station.

19 (c) Five hundred thousand dollars for a city with a
20 population between seven thousand eight hundred and seven
21 thousand eight hundred fifty, for a public fire station.

22 ~~3-~~ 2. Grant awards for a project under subsection 2 1,
23 paragraph "b", are contingent upon submission of a plan for each
24 project by the applicable county or city governing board or in
25 the case of a project submitted pursuant to subsection 2 1,
26 paragraph "b", subparagraph (2), subparagraph division (b), by
27 the board of directors, to the ~~Iowa jobs board~~ authority, no
28 later than September 1, 2009, detailing a description of the
29 project, the plan to rebuild, and the amount or percentage of
30 federal, state, local, or private matching moneys which will
31 be or have been provided for the project. Funds not utilized
32 in accordance with subsection 2, paragraph "b", ~~due to failure~~
33 ~~to file a plan by the September 1 deadline 1~~, shall revert to
34 the ~~Iowa jobs restricted~~ revenue bonds capitals fund ~~to be~~
35 ~~available for local infrastructure competitive grants.~~ A grant

LSB 2116YC (3) 85

-6-

ec/nh

6/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 recipient under subsection 2 1, paragraph "b", shall not be
2 precluded from applying for a local infrastructure competitive
3 grant pursuant to this section and section 16.195.

4 ~~4. Moneys in the fund are not subject to section 8.33.~~
5 ~~Notwithstanding section 12C.7, subsection 2, interest or~~
6 ~~earnings on moneys in the fund shall be credited to the fund.~~

7 ~~5.~~ 3. Annually, on or before January 15 of each year, the
8 ~~board~~ authority shall report to the legislative services agency
9 and the department of management the status of all projects
10 receiving moneys from the fund completed or in progress. The
11 report shall include a description of the project, the progress
12 of work completed, the total estimated cost of the project, a
13 list of all revenue sources being used to fund the project, the
14 amount of funds expended, the amount of funds obligated, and
15 the date the project was completed or an estimated completion
16 date of the project, where applicable.

17 ~~6.~~ 4. Payment of moneys appropriated from the fund shall be
18 made in a manner that does not adversely affect the tax-exempt
19 status of any outstanding bonds issued by the treasurer of
20 state.

21 Sec. 14. Section 16.197, Code 2013, is amended to read as
22 follows:

23 **16.197 Limitation of liability.**

24 ~~A member of the Iowa jobs board, a person acting on behalf of~~
25 ~~the board while acting within the scope of their employment or~~
26 ~~agency, The authority~~ or the treasurer of state, shall not be
27 subject to personal liability resulting from carrying out the
28 powers and duties of the ~~board~~ authority or the treasurer, as
29 applicable, in sections ~~16.192~~ 16.193 through 16.196.

30 Sec. 15. IOWA JOBS BOARD — TRANSITION PROVISIONS —
31 LIMITATION OF LIABILITY.

32 1. Any contract or agreement issued or entered into by the
33 Iowa jobs board relating to the provisions of this division
34 of this Act, in effect on the effective date of this division
35 of this Act, shall continue in full force and effect and



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 any responsibility of the board relative to the contracts or
2 agreements as provided in those contracts or agreements shall
3 be transferred to the Iowa finance authority.

4 2. A member of the Iowa jobs board or a person acting on
5 behalf of the board while acting within the scope of that
6 person's employment or agency shall not be subject to personal
7 liability resulting from carrying out the powers and duties
8 of the board prior to the effective date of this division of
9 this Act, as applicable, in sections 12.87 through 12.90 and in
10 sections 16.192 through 16.196, Code 2013.

11 Sec. 16. REPEAL. Sections 16.191 and 16.192, Code 2013,
12 are repealed.

13 DIVISION II

14 TITLE GUARANTY

15 Sec. 17. Section 16.1, subsection 1, paragraph ad,
16 subparagraph (7), Code 2013, is amended to read as follows:

17 (7) The Iowa title guaranty program.

18 Sec. 18. Section 16.2A, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. A title guaranty division is created within the
21 authority. The division may also be referred to as Iowa title
22 guaranty. The powers of the division relating to the issuance
23 of title guaranties are vested in and shall be exercised by
24 a division board of five members appointed by the governor
25 subject to confirmation by the senate. The membership of
26 the board shall include an attorney, an abstractor, a real
27 estate broker, a representative of a mortgage lender, and
28 a representative of the housing development industry. The
29 executive director of the authority shall appoint an attorney
30 as director of the title guaranty division, who shall serve
31 as an ex officio member of the board. The appointment of and
32 compensation for the division director are exempt from the
33 merit system provisions of chapter 8A, subchapter IV.

34 Sec. 19. Section 16.91, subsections 1, 3, and 4, Code 2013,
35 are amended to read as follows:

LSB 2116YC (3) 85

ec/nh

8/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 1. The authority through the title guaranty division shall
2 initiate and operate a program in which the division shall
3 offer guaranties of real property titles in this state. The
4 terms, conditions, and form of the guaranty contract shall be
5 forms approved by the division board. The division shall fix
6 a charge for the guaranty in an amount sufficient to permit
7 the program to operate on a self-sustaining basis, including
8 payment of administrative costs and the maintenance of an
9 adequate reserve against claims under the Iowa title guaranty
10 program. A title guaranty fund is created in the office of
11 the treasurer of state. Funds collected under this program
12 shall be placed in the title guaranty fund and are available
13 to pay all claims, necessary reserves and all administrative
14 costs of the Iowa title guaranty program. Moneys in the fund
15 shall not revert to the general fund and interest on the
16 moneys in the fund shall be deposited in the housing trust
17 fund established in section 16.181 and shall not accrue to the
18 general fund. If the authority board in consultation with the
19 division board determines that there are surplus funds in the
20 title guaranty fund after providing for adequate reserves and
21 operating expenses of the division, the surplus funds shall be
22 transferred to the housing assistance fund created pursuant to
23 section 16.40.

24 3. With the approval of the authority board the division
25 and its board shall consult with the insurance division of
26 the department of commerce in developing a guaranty contract
27 acceptable to the secondary market and developing any other
28 feature of the program with which the insurance division may
29 have special expertise. The insurance division shall establish
30 the amount for a loss reserve fund. Except as provided in this
31 subsection, the Iowa title guaranty program is not subject to
32 the jurisdiction of or regulation by the insurance division or
33 the commissioner of insurance.

34 4. Each participating attorney and abstractor may be
35 required to pay an annual participation fee to be eligible to



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 participate in the Iowa title guaranty program. The fee, if
2 any, shall be set by the division, subject to the approval of
3 the authority.

4 Sec. 20. Section 16.91, subsection 5, paragraph a,
5 subparagraph (2), Code 2013, is amended to read as follows:

6 (2) Additionally, each participating abstractor is required
7 to own or lease, and maintain and use in the preparation of
8 abstracts, an up-to-date abstract title plant including tract
9 indices for real estate for each county in which abstracts are
10 prepared for real property titles guaranteed by the division.
11 The tract indices shall contain a reference to all instruments
12 affecting the real estate which are recorded in the office of
13 the county recorder, and shall commence not less than forty
14 years prior to the date the abstractor commences participation
15 in the Iowa title guaranty program. However, a participating
16 attorney providing abstract services continuously from November
17 12, 1986, to the date of application, either personally or
18 through persons under the attorney's supervision and control is
19 exempt from the requirements of this subparagraph.

20 Sec. 21. Section 16.91, subsection 8, Code 2013, is amended
21 to read as follows:

22 8. The authority shall adopt rules pursuant to chapter 17A
23 that are necessary for the implementation of the Iowa title
24 guaranty program as established by the division and that have
25 been approved by the authority.

26 Sec. 22. Section 16.92, subsection 1, paragraph g, Code
27 2013, is amended to read as follows:

28 *g. "Participating abstractor" means an abstractor*
29 *participating in the Iowa title guaranty program.*

30 Sec. 23. Section 447.13, subsection 1, Code 2013, is amended
31 to read as follows:

32 1. The cost of serving the notice, including the cost of
33 sending certified mail notices, and the cost of publication
34 under section 447.10, if publication is required, shall be
35 added to the amount necessary to redeem. The cost of a record

LSB 2116YC (3) 85

-10-

ec/nh

10/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 search shall also be added to the amount necessary to redeem.
2 However, if the certificate holder is other than a county, the
3 search must be performed by an abstractor who is an active
4 participant in the Iowa title guaranty program under section
5 16.91 or by an attorney licensed to practice law in the state
6 of Iowa, and the amount of the cost of the record search that
7 may be added to the amount necessary to redeem shall not exceed
8 three hundred dollars.

9

DIVISION III

10

IOWA FINANCE AUTHORITY

11 Sec. 24. Section 7C.4A, subsection 5, Code 2013, is amended
12 to read as follows:

13 5. Eighteen percent of the state ceiling shall be allocated
14 to bonds issued by political subdivisions to finance a
15 qualified industry or industries for the manufacturing,
16 processing, or assembly of agricultural or manufactured
17 products even though the processed products may require further
18 treatment before delivery to the ultimate consumer. ~~A single~~
19 ~~project allocated a portion of the state ceiling pursuant to~~
20 ~~this subsection shall not receive an allocation in excess of~~
21 ~~ten million dollars in any calendar year.~~

22 Sec. 25. Section 16.1, subsection 1, paragraph ae,
23 subparagraph (1), Code 2013, is amended to read as follows:

24 (1) Real or personal property connected with a facility to
25 be acquired, constructed, financed, refinanced, improved, or
26 equipped pursuant to one or more of the programs, including any
27 such property located outside of the state if the authority
28 has conclusively determined that the entity financing or
29 refinancing property located outside the state, or an affiliate
30 thereof, is also engaged in the financing or refinancing of
31 property located within the state, or, alternatively, the
32 entity seeking the financing or refinancing, or an affiliate
33 thereof, maintains a presence within the state, and financing
34 or refinancing the property located outside the state would
35 promote the economy of the state for the benefit of the health,

LSB 2116YC (3) 85

-11-

ec/nh

11/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 welfare, safety, trade, commerce, industry, or economy of the
2 people of the state.

3 Sec. 26. Section 16.3, subsection 2, Code 2013, is amended
4 to read as follows:

5 2. The authority will be performing an essential
6 governmental function in the exercise of the powers and
7 duties conferred upon it by this chapter, and shall have broad
8 discretion in interpreting the provisions of this chapter.

9 Sec. 27. Section 16.5, subsection 1, unnumbered paragraph
10 1, Code 2013, is amended to read as follows:

11 The Notwithstanding any provision of law to the contrary,
12 the authority has any and all powers necessary and convenient
13 to carry out its purposes and duties, and exercise its specific
14 powers, including but not limited to the power to:

15 Sec. 28. Section 16.5, subsection 1, paragraph a, Code 2013,
16 is amended to read as follows:

17 a. Issue its negotiable bonds and notes as provided in
18 this chapter in order to finance its programs. In addition,
19 the authority may issue bonds, notes, or other obligations for
20 public or private entities for the purpose of financing any
21 project regardless of location.

22 Sec. 29. Section 16.5, subsection 1, paragraph o, Code 2013,
23 is amended to read as follows:

24 o. Contract directly with architects, engineers, attorneys,
25 accountants, housing construction and finance experts,
26 and other advisors. However, the authority may enter into
27 contracts or agreements for such services with local, state, or
28 federal governmental agencies.

29 Sec. 30. Section 16.5, subsection 1, paragraph r, Code 2013,
30 is amended to read as follows:

31 r. Make, alter, and repeal rules consistent with the
32 provisions of this chapter, and subject to chapter 17A,
33 including rules relating to Iowa finance authority programs.

34 Sec. 31. Section 16.5, subsection 1, Code 2013, is amended
35 by adding the following new paragraph:

LSB 2116YC (3) 85

-12-

ec/nh

12/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 NEW PARAGRAPH. *Ou.* Interpret, construe, and execute the
2 laws, rules, and regulations of this state relating to Iowa
3 finance authority programs.

4 Sec. 32. Section 16.26, Code 2013, is amended by adding the
5 following new subsections:

6 NEW SUBSECTION. 10. In connection with any financing
7 which involves an out-of-state issuer issuing bonds, notes, or
8 other obligations for facilities located in the state, the
9 authority is designated as the only governmental unit in the
10 state that may conduct the public hearing required by section
11 147(f) of the federal Internal Revenue Code, as defined in
12 section 422.3, and the governor of Iowa is designated as the
13 applicable elected representative pursuant to section 147(f) of
14 the federal Internal Revenue Code, as defined in section 422.3.

15 NEW SUBSECTION. 11. All bonds or notes issued by the
16 authority in connection with its single family and multifamily
17 programs are exempt from taxation by this state, and the
18 interest on the bonds or notes is exempt from state income tax.

19 Sec. 33. NEW SECTION. 16.182A **Special projects revolving**
20 **loan program fund.**

21 1. A special projects revolving loan program fund is
22 created within the authority to further the goal of the senior
23 living program as specified in section 249H.2, further the
24 objectives specified in section 231.3, and adult day services,
25 respite services, congregate meals, health and wellness,
26 health screening, and nutritional assessments, and further
27 the availability of affordable housing for parents that are
28 reuniting with their children while completing or participating
29 in substance abuse treatment.

30 2. The moneys in the special projects revolving loan program
31 fund are appropriated to and shall be used by the authority for
32 the development and operation of a revolving loan program to
33 provide financing for all of the following:

34 *a.* To construct affordable assisted living and
35 service-enriched affordable housing for seniors and persons

LSB 2116YC (3) 85

-13-

ec/nh

13/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 with disabilities, including through new construction or
2 acquisition and rehabilitation.

3 *b.* To develop and expand facilities and infrastructure
4 that provide adult day services, respite services, congregate
5 meals, and programming space for health and wellness, health
6 screening, and nutritional assessments that address the needs
7 of persons with low incomes.

8 *c.* To construct affordable transitional housing, including
9 through new construction or acquisition and rehabilitation of
10 existing housing. The transitional housing provided shall be
11 geographically located in close proximity to licensed substance
12 abuse treatment programs.

13 3. The authority shall annually allocate moneys available
14 in the fund to approved applicants.

15 4. Additionally, payments of interest, recaptures of
16 awards, and other repayments shall be deposited in the fund.
17 Notwithstanding section 12C.7, subsection 2, interest or
18 earnings on moneys in the special projects revolving loan
19 program fund shall be credited to the fund. Notwithstanding
20 section 8.33, moneys that remain unencumbered or unobligated
21 at the end of the fiscal year shall not revert but shall remain
22 available for the same purpose in the succeeding fiscal year.

23 5. Loans awarded shall be awarded to applicants in the order
24 received.

25 6. The authority shall adopt rules pursuant to chapter 17A
26 to administer this section.

27 Sec. 34. REPEAL. Sections 16.182, 16.183, and 16.184, Code
28 2013, are repealed.

29 Sec. 35. TRANSITION PROVISIONS — CONSOLIDATION OF
30 FUNDS. Any moneys remaining in the senior living revolving
31 loan program fund, home and community-based services revolving
32 loan program fund, and the transitional housing revolving
33 loan program fund on the effective date of this Act shall be
34 transferred to the special projects revolving loan program fund
35 as enacted in this Act.

LSB 2116YC (3) 85
ec/nh

14/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

EXPLANATION

1
2 This bill concerns the Iowa finance authority.
3 Division I eliminates the Iowa jobs board and provides that
4 any duties or responsibilities of the Iowa jobs board shall
5 become the responsibility of the Iowa finance authority. The
6 division also provides transition provisions relative to any
7 contracts or agreements entered into by the Iowa jobs board and
8 provides for a limitation of personal liability for actions by
9 a member or agent of the board taken prior to the effective
10 date of the division relative to the duties of the board.
11 Division II renames the title guaranty program as the
12 Iowa title guaranty program. The bill also allows the title
13 guaranty division to be referred to as Iowa title guaranty.
14 Division III concerns bond activity and the Iowa finance
15 authority.
16 Code section 7C.4A(5), concerning the allocation of
17 the state ceiling on bonds to bonds issued by a political
18 subdivision, is amended to strike the provision limiting any
19 one project from receiving more than \$10 million of private
20 activity bonds.
21 Code section 16.1(1)(ae), defining "project" for purposes
22 of the Iowa finance authority programs, is amended to include
23 projects for property located outside of the state if the
24 entity seeking the financing of the project has some connection
25 to the state and the project will benefit the state.
26 Code section 16.3, concerning legislative findings relative
27 to the Iowa finance authority, is amended to provide that
28 the Iowa finance authority shall have broad discretion in
29 interpreting the provisions of the Code chapter governing the
30 Iowa finance authority.
31 Code section 16.5, describing the general powers of the Iowa
32 finance authority, is amended. The bill provides that the Iowa
33 finance authority shall have the powers delineated in this Code
34 section notwithstanding any provision of law to the contrary.
35 The bill grants the power to the authority to contract directly

LSB 2116YC (3) 85
ec/nh

15/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 with architects, engineers, attorneys, and other advisors.
2 The Code section is also amended to provide that the Iowa
3 finance authority can issue bonds, notes, or other obligations
4 for public or private entities for the purpose of financing
5 any project regardless of location, to make, alter, and
6 repeal rules relating to Iowa finance authority programs,
7 and to interpret, construe, and execute the laws, rules, and
8 regulations of this state relating to Iowa finance authority
9 programs.

10 Code section 16.26, concerning bonds and notes, is amended.
11 The bill provides that for certain bonds, notes, or other
12 obligations, the authority is designated as the governmental
13 unit that may conduct the public hearing required by the
14 federal Internal Revenue Code and the governor of Iowa is
15 designated as the applicable elected representative pursuant to
16 the Internal Revenue Code. In addition, the bill allows for
17 bonds issued for the single family and multifamily programs to
18 be exempt from state income tax.

19 New Code section 16.182A creates the special projects
20 revolving loan program fund to further the goal of the senior
21 living program as specified in Code section 249H.2, to further
22 the objectives specified in Code section 231.3, and adult
23 day services, respite services, congregate meals, health and
24 wellness, health screening, and nutritional assessments, and
25 further the availability of affordable housing for parents
26 that are reuniting with their children while completing or
27 participating in substance abuse treatment. Moneys in the fund
28 are appropriated to the authority to be used for such purposes.
29 Moneys in the senior living revolving loan program fund, home
30 and community-based services revolving loan program fund,
31 and the transitional housing revolving loan program fund are
32 transferred to the special projects revolving loan program fund
33 and those funds are repealed.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

House Study Bill 192 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act relating to the rulemaking process and state agency
2 decision making.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2491YC (2) 85
jr/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 Section 1. Section 17A.4, subsection 3, Code 2013, is
2 amended to read as follows:
3 3. a. When an agency for good cause finds that notice and
4 public participation would be unnecessary, impracticable, or
5 contrary to the public interest When the statute so provides,
6 or with the approval of the administrative rules review
7 committee, if the committee finds good cause that notice and
8 public participation would be unnecessary, impracticable, or
9 contrary to the public interest, the provisions of subsection 1
10 shall be inapplicable. The agency shall incorporate in each
11 rule issued in reliance upon this provision either the finding
12 and a brief statement of the reasons for the finding, or a
13 statement that the rule is within a very narrowly tailored
14 category of rules whose issuance has previously been exempted
15 from subsection 1 by a special rule relying on this provision
16 and including such a finding and statement of reasons for the
17 entire category.
18 b. (1) If the administrative rules review committee by
19 a two-thirds vote, the governor, or the attorney general
20 files with the administrative code editor an objection to the
21 adoption of any a rule or portion of a rule pursuant to this
22 subsection, that the rule or portion of the rule shall cease
23 to be effective one hundred eighty days after the date the
24 objection was filed. A
25 (2) If the administrative rules review committee files with
26 the administrative code editor an objection to the adoption of
27 a rule or portion of a rule pursuant to this subsection, the
28 administrative rules review committee, by a separate two-thirds
29 vote, may suspend the applicability of the rule or portion
30 of the rule until the rule ceases to be effective under this
31 paragraph "b". The determination to suspend the applicability
32 of the rule or portion of the rule shall be included in the copy
33 of the objection to be forwarded to the agency.
34 c. If an objection to a rule is filed under this subsection,
35 a copy of the objection, properly dated, shall be forwarded to

LSB 2491YC (2) 85

-1-

jr/rj

1/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 the agency at the time of filing the objection. In any action
2 contesting a rule or portion of a rule adopted pursuant to
3 this subsection, the burden of proof shall be on the agency to
4 show that the procedures of subsection 1 were impracticable,
5 unnecessary, or contrary to the public interest and that, if a
6 category of rules was involved, the category was very narrowly
7 tailored.

8 Sec. 2. Section 17A.4, subsection 7, Code 2013, is amended
9 to read as follows:

10 7. a. Upon the vote of two-thirds of its members the
11 administrative rules review committee may delay the effective
12 date of a rule or portion of a rule seventy days beyond that
13 permitted in section 17A.5, unless the rule was promulgated
14 under section 17A.5, subsection 2, paragraph "b". ~~This~~
15 ~~provision shall be utilized by the committee only if further~~
16 ~~time is necessary to study and examine the rule. If the~~
17 rule was promulgated under section 17A.5, subsection 2,
18 paragraph "b", the administrative rules review committee,
19 within thirty-five days of the effective date of the rule and
20 upon the vote of two-thirds of its members, may suspend the
21 applicability of the rule or portion of the rule for seventy
22 days.

23 b. Notice of an effective date that was delayed under this
24 provision shall be published in the Iowa administrative code
25 and bulletin.

26 Sec. 3. Section 17A.4, Code 2013, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 9. Upon the vote of two-thirds of its
29 members, the administrative rules review committee, following
30 notice of intended action as provided in subsection 1 and prior
31 to adoption of a rule pursuant to that notice, may suspend
32 further action relating to that notice for seventy days.
33 Notice of a notice of intended action that was suspended under
34 this provision shall be published in the Iowa administrative
35 code and bulletin.

LSB 2491YC (2) 85

-2-

jr/rj

2/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 Sec. 4. Section 17A.8, subsection 9, Code 2013, is amended
2 to read as follows:

3 9. a. Upon a vote of two-thirds of its members, the
4 administrative rules review committee may delay the effective
5 date of a rule or portion of a rule until the adjournment
6 of the next regular session of the general assembly, unless
7 the rule was promulgated under section 17A.5, subsection 2,
8 paragraph "b". If the rule was promulgated under section
9 17A.5, subsection 2, paragraph "b", the administrative rules
10 review committee, within thirty-five days of the effective date
11 of the rule and upon the vote of two-thirds of its members,
12 may suspend the applicability of the rule or portion of the
13 rule until the adjournment of the next regular session of the
14 general assembly.

15 b. The committee shall refer a rule or portion of a rule
16 whose effective date has been delayed or applicability has
17 been suspended to the speaker of the house of representatives
18 and the president of the senate who shall refer the delayed
19 or suspended rule or portion of the rule to the appropriate
20 standing committees of the general assembly. A standing
21 committee shall review a the rule within twenty-one days
22 after the rule is referred to the committee by the speaker
23 of the house of representatives or the president of the
24 senate and shall take formal committee action by sponsoring
25 a joint resolution to disapprove the rule, by proposing
26 legislation relating to the rule, or by refusing to propose
27 a joint resolution or legislation concerning the rule. The
28 standing committee shall inform the administrative rules review
29 committee of the committee action taken concerning the rule.
30 If the general assembly has not disapproved of the rule by a
31 joint resolution, the rule shall become effective. The speaker
32 of the house of representatives and the president of the senate
33 shall notify the administrative code editor of the final
34 disposition of each rule or portion of a rule whose effective
35 date has been delayed or whose applicability has been suspended

LSB 2491YC (2) 85

-3-

jr/rj

3/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 pursuant to this subsection. If a the rule is disapproved, it
2 the rule shall not ~~become~~ be effective and the agency shall
3 rescind the rule. ~~This section shall not apply to rules made~~
4 ~~effective under section 17A.5, subsection 2, paragraph "b".~~

5 Sec. 5. Section 17A.23, Code 2013, is amended to read as
6 follows:

7 **17A.23 Construction — delegation of authority.**

8 1. Except as expressly provided otherwise by this chapter
9 or by another statute referring to this chapter by name, the
10 rights created and the requirements imposed by this chapter
11 shall be in addition to those created or imposed by every other
12 statute in existence on July 1, 1975, or enacted after that
13 date. If any other statute in existence on July 1, 1975, or
14 enacted after that date diminishes a right conferred upon a
15 person by this chapter or diminishes a requirement imposed upon
16 an agency by this chapter, this chapter shall take precedence
17 unless the other statute expressly provides that it shall take
18 precedence over all or some specified portion of this ~~named~~
19 cited chapter.

20 2. This chapter shall be construed broadly to effectuate
21 its purposes. This chapter shall also be construed to apply
22 to all agencies not expressly exempted by this chapter or by
23 another statute specifically referring to this chapter by ~~name~~
24 citation; and except as to proceedings in process on July 1,
25 1975, this chapter shall be construed to apply to all covered
26 agency proceedings and all agency action not expressly exempted
27 by this chapter or by another statute specifically referring to
28 this chapter by ~~name~~ citation.

29 3. An agency shall have only that authority or discretion
30 delegated to or conferred upon the agency by law and shall not
31 expand or enlarge its authority or discretion beyond the powers
32 delegated to or conferred upon the agency. Unless otherwise
33 specifically provided in statute, a grant of rulemaking
34 authority shall be construed narrowly.

35

EXPLANATION

LSB 2491YC (2) 85

-4-

jr/rj

4/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 This bill relates to the rulemaking process and agency
2 decision making. The bill concerns the administrative rules
3 review committee (ARRC) relative to its powers concerning the
4 rulemaking process.

5 As it relates to the rulemaking process, the bill provides
6 that a rule can be adopted without notice only if the statute
7 so provides or with the approval of the ARRC. Code section
8 17A.4(3) relates to so-called "emergency" rulemaking. This
9 section is amended to empower the ARRC to object to an
10 emergency adopted rule and suspend its effect by a two-thirds
11 vote. Code section 17A.4(7), concerning the 70-day delay
12 authority of the ARRC, is amended to provide that the ARRC
13 may, upon a two-thirds vote, suspend the applicability of a
14 rule promulgated under Code section 17A.5(2)(b) (so-called
15 emergency rulemaking) for 70 days. The bill provides that
16 action to suspend the applicability of a rule under this new
17 provision must be taken within 35 days of the effective date
18 of the rule. In addition, the bill provides that the ARRC may
19 utilize the 70-day delay authority regardless of the reason
20 for the delay and for a portion of a rule. Under current law,
21 rules promulgated under Code section 17A.5(2)(b) take effect
22 upon filing and are not subject to the 70-day delay authority
23 of the ARRC.

24 Code section 17A.4, new subsection 9, provides that the
25 ARRC, upon a two-thirds vote, may suspend for 70 days further
26 action relating to a notice of intended action filed by an
27 agency. Under current law, the ARRC has no authority relating
28 to a notice of intended action until the adopted rule is filed
29 in final form following this notice.

30 Code section 17A.8(9), concerning the session delay
31 authority of the ARRC, is amended to provide that the ARRC,
32 upon a two-thirds vote, may suspend the applicability of an
33 emergency rule until the adjournment of the next regular
34 session of the general assembly. The bill also provides that
35 action to suspend the applicability of a rule under this new

LSB 2491YC (2) 85

-5-

jr/rj

5/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

H.F. _____

1 provision must be taken within 35 days of the effective date
2 of the rule. In addition, the bill provides that the ARRC
3 may utilize the session delay authority for a portion of a
4 rule. Under current law, rules promulgated under Code section
5 17A.5(2)(b) take effect upon filing and are not subject to the
6 session delay authority of the ARRC.

7 The bill creates a rule of statutory construction relating
8 to the delegation of rulemaking authority. The bill provides
9 that unless otherwise specifically provided in statute, a grant
10 of rulemaking authority shall be construed narrowly.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate File 268 - Introduced

SENATE FILE 268
BY DEARDEN

A BILL FOR

1 An Act relating to the natural resources and outdoor recreation
2 trust fund by increasing the sales and use tax rates and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1104XS (4) 85
da/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 268

1 Section 1. Section 423.2, subsection 1, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:
3 There is imposed a tax of six and three-eighths percent upon
4 the sales price of all sales of tangible personal property,
5 consisting of goods, wares, or merchandise, sold at retail in
6 the state to consumers or users except as otherwise provided
7 in this subchapter.

8 Sec. 2. Section 423.2, subsections 2 and 3, Code 2013, are
9 amended to read as follows:

10 2. A tax of six and three-eighths percent is imposed upon
11 the sales price of the sale or furnishing of gas, electricity,
12 water, heat, pay television service, and communication service,
13 including the sales price from such sales by any municipal
14 corporation or joint water utility furnishing gas, electricity,
15 water, heat, pay television service, and communication service
16 to the public in its proprietary capacity, except as otherwise
17 provided in this subchapter, when sold at retail in the state
18 to consumers or users.

19 3. A tax of six and three-eighths percent is imposed upon
20 the sales price of all sales of tickets or admissions to places
21 of amusement, fairs, and athletic events except those of
22 elementary and secondary educational institutions. A tax of
23 six and three-eighths percent is imposed on the sales price of
24 an entry fee or like charge imposed solely for the privilege of
25 participating in an activity at a place of amusement, fair, or
26 athletic event unless the sales price of tickets or admissions
27 charges for observing the same activity are taxable under this
28 subchapter. A tax of six and three-eighths percent is imposed
29 upon that part of private club membership fees or charges paid
30 for the privilege of participating in any athletic sports
31 provided club members.

32 Sec. 3. Section 423.2, subsection 4, paragraph a, Code 2013,
33 is amended to read as follows:

34 a. A tax of six and three-eighths percent is imposed upon
35 the sales price derived from the operation of all forms of

LSB 1104XS (4) 85

-1-

da/sc

1/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 268

1 amusement devices and games of skill, games of chance, raffles,
2 and bingo games as defined in chapter 99B, and card game
3 tournaments conducted under section 99B.7B, that are operated
4 or conducted within the state, the tax to be collected from
5 the operator in the same manner as for the collection of taxes
6 upon the sales price of tickets or admission as provided in
7 this section. Nothing in this subsection shall legalize any
8 games of skill or chance or slot-operated devices which are now
9 prohibited by law.

10 Sec. 4. Section 423.2, subsection 5, Code 2013, is amended
11 to read as follows:

12 5. There is imposed a tax of six and three-eighths percent
13 upon the sales price from the furnishing of services as defined
14 in section 423.1.

15 Sec. 5. Section 423.2, subsection 7, paragraph a,
16 unnumbered paragraph 1, Code 2013, is amended to read as
17 follows:

18 A tax of six and three-eighths percent is imposed upon the
19 sales price from the sales, furnishing, or service of solid
20 waste collection and disposal service.

21 Sec. 6. Section 423.2, subsection 8, paragraph a, Code 2013,
22 is amended to read as follows:

23 a. A tax of six and three-eighths percent is imposed on
24 the sales price from sales of bundled transactions. For the
25 purposes of this subsection, a "*bundled transaction*" is the
26 retail sale of two or more distinct and identifiable products,
27 except real property and services to real property, which
28 are sold for one nonitemized price. A "*bundled transaction*"
29 does not include the sale of any products in which the sales
30 price varies, or is negotiable, based on the selection by the
31 purchaser of the products included in the transaction.

32 Sec. 7. Section 423.2, subsection 9, Code 2013, is amended
33 to read as follows:

34 9. A tax of six and three-eighths percent is imposed upon
35 the sales price from any mobile telecommunications service,

LSB 1104XS (4) 85
da/sc

-2-

2/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 268

1 including all paging services, that this state is allowed
2 to tax pursuant to the provisions of the federal Mobile
3 Telecommunications Sourcing Act, Pub. L. No. 106-252, 4 U.S.C.
4 § 116 et seq. For purposes of this subsection, taxes on mobile
5 telecommunications service, as defined under the federal Mobile
6 Telecommunications Sourcing Act that are deemed to be provided
7 by the customer's home service provider, shall be paid to
8 the taxing jurisdiction whose territorial limits encompass
9 the customer's place of primary use, regardless of where the
10 mobile telecommunications service originates, terminates,
11 or passes through and shall in all other respects be taxed
12 in conformity with the federal Mobile Telecommunications
13 Sourcing Act. All other provisions of the federal Mobile
14 Telecommunications Sourcing Act are adopted by the state of
15 Iowa and incorporated into this subsection by reference. With
16 respect to mobile telecommunications service under the federal
17 Mobile Telecommunications Sourcing Act, the director shall, if
18 requested, enter into agreements consistent with the provisions
19 of the federal Act.

20 Sec. 8. Section 423.2, subsection 11, paragraph b,
21 subparagraph (2), Code 2013, is amended to read as follows:

22 (2) Transfer from the remaining revenues the amounts
23 required under Article VII, section 10, of the Constitution
24 of the State of Iowa to the natural resources and outdoor
25 recreation trust fund created in section 461.31, ~~if applicable~~.

26 Sec. 9. Section 423.2, subsection 13, Code 2013, is amended
27 to read as follows:

28 13. The sales tax rate of six and three-eighths percent is
29 reduced to five and three-eighths percent on January 1, 2030.

30 Sec. 10. Section 423.5, unnumbered paragraph 1, Code 2013,
31 is amended to read as follows:

32 Except as provided in subsection 3, an excise tax at the
33 rate of six and three-eighths percent of the purchase price or
34 installed purchase price is imposed on the following:

35 Sec. 11. Section 423.5, subsection 9, Code 2013, is amended

LSB 1104XS (4) 85

-3-

da/sc

3/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 268

1 to read as follows:

2 9. The use tax rate of six and three-eighths percent is
3 reduced to five and three-eighths percent on January 1, 2030.

4 Sec. 12. Section 423.43, subsection 1, paragraph b, Code
5 2013, is amended to read as follows:

6 b. Subsequent to the deposit into the general fund of the
7 state ~~and after the transfer of such~~ pursuant to paragraph "a",
8 the department shall do the following in the order prescribed:

9 (1) Transfer the revenues collected under chapter 423B, the
10 department shall transfer.

11 (2) Transfer from the remaining revenues the amounts
12 required under Article VII, section 10, of the Constitution
13 of the State of Iowa to the natural resources and outdoor
14 recreation trust fund created in section 461.31.

15 (3) Transfer one-sixth of such remaining revenues to the
16 secure an advanced vision for education fund created in section
17 423F.2. This paragraph subparagraph (3) is repealed December
18 31, 2029.

19 Sec. 13. PURPOSE. The purpose of this Act is to provide
20 for the implementation of Article VII, section 10, of the
21 Constitution of the State of Iowa by fully funding the natural
22 resources and outdoor recreation trust fund as created in
23 section 461.31, pursuant to Article VII, section 10, of the
24 Constitution of the State of Iowa.

25 Sec. 14. EMERGENCY RULES. The department of revenue shall
26 adopt emergency rules under section 17A.4, subsection 3, and
27 section 17A.5, subsection 2, paragraph "b", to implement
28 the provisions of this Act. The rules shall be effective
29 immediately upon filing with the administrative rules
30 coordinator unless a later date is specified in the rules, but
31 not later than July 1, 2013. Any rules adopted in accordance
32 with this section shall also be published as a notice of
33 intended action as provided in section 17A.4.

34 Sec. 15. EFFECTIVE DATE. The following provision or
35 provisions of this Act take effect:

LSB 1104XS (4) 85

-4-

da/sc

4/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 268

1 1. Except as provided in subsection 2, this Act takes effect
2 on July 1, 2013.

3 2. The section of this Act requiring the department of
4 revenue to adopt emergency rules, being deemed of immediate
5 importance, takes effect upon enactment.

6 EXPLANATION

7 This bill relates to the sales tax imposed on the sale of
8 tangible personal property and the furnishing of enumerated
9 services and to an amendment to the Constitution of the State
10 of Iowa ratified on November 2, 2010, dedicating a portion of
11 state revenue for purposes of benefiting natural resources,
12 outdoor recreation, and soil conservation (Article VII,
13 section 10). The amendment authorizes the general assembly to
14 implement its provisions.

15 The constitutional amendment creates a natural resources and
16 outdoor recreation trust fund (trust fund) within the state
17 treasury. The trust fund and allocations from the fund are
18 codified in Code chapter 461. Moneys in the trust fund cannot
19 be used for any purpose other than protecting and enhancing
20 water quality and natural areas in this state including
21 parks, trails, and fish and wildlife habitat, and conserving
22 agricultural soils in this state. No revenue is credited to
23 the trust fund until the sales tax rate is increased. Whenever
24 the rate is increased, the amount generated by the increase is
25 credited to the fund, but the amount credited cannot exceed the
26 amount that a rate of $\frac{3}{8}$ of 1 percent would generate.

27 Currently, the tax on sales and services in Iowa is imposed
28 at the rate of 6 percent. The bill provides for an increase
29 in the rate to 6 and $\frac{3}{8}$ percent, and the transfer of these
30 moneys into the trust fund. In 2012, the General Assembly
31 enacted S.F. 2329 (2012 Iowa Acts, ch. 1098) which provided for
32 the transfer of sales tax revenues deposited into the general
33 fund of the state (general fund) into the trust fund when
34 applicable. The bill provides for the same tax rate increase
35 to the use tax and transfer of those revenues from the general

LSB 1104XS (4) 85

-5-

da/sc

5/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 268

1 fund to the trust fund.

2 The bill does not affect the 5 percent rate imposed on
3 vehicles subject to the issuance of a certificate of title,
4 the use of manufactured housing, or the use of certain leased
5 vehicles.

6 The bill takes effect on July 1, 2013, except for a provision
7 requiring the department of revenue to adopt emergency rules,
8 which takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate File 269 - Introduced

SENATE FILE 269
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 199)

A BILL FOR

1 An Act relating to the state comprehensive Alzheimer's disease
2 response strategy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2080SV (2) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 269

1 Section 1. **NEW SECTION. 135P.1 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Alzheimer's disease*" or "*Alzheimer's*" means a
5 progressive, degenerative, fatal disorder that results in loss
6 of memory, loss of thinking and language skills, and behavioral
7 changes. "*Alzheimer's disease*" includes related dementias
8 including vascular dementia, Parkinson's disease, dementia with
9 Lewy bodies, frontotemporal dementia, Crutzfeldt-Jakob disease,
10 normal pressure hydrocephalus, and mixed dementia.

11 2. "*Department*" means the department of public health.

12 Sec. 2. **NEW SECTION. 135P.2 Alzheimer's disease —**
13 **state-level coordination and comprehensive response strategy.**

14 1. The department shall develop and administer, and
15 provide for state-level coordination of, a comprehensive
16 Alzheimer's disease response strategy in accordance with the
17 recommendations of the stakeholder workgroup convened pursuant
18 to 2011 Iowa Acts, chapter 61. The response strategy shall
19 include development and monitoring of short-term and long-term
20 objectives and action steps to ensure that individuals with
21 Alzheimer's disease have access to the highest quality and
22 most appropriate care at all stages of the disease and in
23 all settings across the service and supports continuum. The
24 response strategy may include prioritization of objectives
25 and action steps to most efficiently utilize resources and
26 funding. The department shall update the initial response
27 strategy biennially and shall submit a progress report annually
28 in January to the governor and the general assembly.

29 2. In providing state-level coordination, the department
30 shall integrate public and private resources and programs,
31 reduce duplication, evaluate programs and services to ensure
32 that evidence-based, high-quality programs and services are
33 available to maximize the positive impact for individuals with
34 Alzheimer's and their families and caregivers, and promote
35 public awareness.

LSB 2080SV (2) 85
pf/nh

-1-

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 269

1 3. In developing the comprehensive Alzheimer's disease
2 response strategy, the department shall do all of the
3 following:
4 a. Establish an Alzheimer's disease coordinator position
5 in the department in a manner similar to those positions
6 that address other chronic conditions in the state. The
7 coordinator, in partnership with public and private entities
8 and the multidisciplinary advisory council convened pursuant to
9 paragraph "b", shall do all of the following:
10 (1) Implement the recommendations of the Alzheimer's
11 disease stakeholder workgroup convened pursuant to 2011 Iowa
12 Acts, chapter 61, and establish standards for the comprehensive
13 Alzheimer's disease response strategy.
14 (2) Inform, educate, and empower the public regarding the
15 impact of Alzheimer's disease, in order to increase awareness
16 of the disease and in particular the benefits of early
17 detection, while working to decrease the stigma associated with
18 Alzheimer's disease.
19 (3) Monitor the prevalence of Alzheimer's disease and
20 cognitive impairment in the state through data collection and
21 coordination efforts. Such data shall be made available to
22 and used to assist public and private efforts in developing
23 evidence-based programs and policies that address Alzheimer's
24 disease.
25 (4) Evaluate, and promote the improved effectiveness,
26 accessibility, and quality of, clinical and population-based
27 Alzheimer's services. The evaluation and promotion efforts
28 shall include coordination of services to reach rural and
29 underserved areas of the state.
30 (5) Ensure a competent public and private sector workforce
31 specific to the challenges of Alzheimer's disease. The effort
32 shall include coordinating existing state efforts to develop,
33 implement, and evaluate curricula and training requirements
34 for providers of services who interact with individuals with
35 Alzheimer's disease.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 269

1 (6) Act as a liaison to the aging and disabilities resource
2 centers, area agencies on aging, Alzheimer's association
3 chapters, the health and long-term care access advisory council
4 created by the department to implement the directives of
5 sections 135.163 and 135.164, and other entities to ensure
6 Alzheimer's disease is appropriately addressed in the state.

7 (7) Secure public and private funding relating to dementia
8 to fulfill the duties specified under this chapter.

9 b. Convene a multidisciplinary advisory council. The
10 council shall assist and advise the department and the
11 coordinator; develop partnerships to provide coordination,
12 collaboration, and support for Alzheimer's-related services
13 and programs throughout the state; and advocate on behalf of
14 persons with Alzheimer's disease and their families. The
15 advisory council shall, at a minimum, include representation
16 from individuals with Alzheimer's disease and their families;
17 caregivers and other providers of services and supports;
18 medical providers including primary and specialty care
19 providers, which shall include geriatricians, neurologists,
20 and others with expertise in Alzheimer's disease; the
21 Alzheimer's association; community-based organizations and
22 other organizations with interest or expertise in Alzheimer's
23 disease; academic institutions and programs with a focus
24 on Alzheimer's disease and dementia; and appropriate state
25 agencies including but not limited to the department on
26 aging, the department of human services, the department of
27 inspections and appeals, the department of public safety, and
28 the department of workforce development. The department shall
29 enlist private entities in providing staff support for the
30 council.

31 Sec. 3. REPEAL. Section 135.171, Code 2013, is repealed.

32 Sec. 4. INCORPORATION OF EXISTING STATE DUTIES. The
33 department of public health shall incorporate the requirements
34 specified in section 135.171, Code 2013, into the comprehensive
35 Alzheimer's disease strategy developed and administered

LSB 2080SV (2) 85
pf/nh

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 269

1 pursuant to this Act.

2 EXPLANATION

3 This bill relates to state-level coordination of and a
4 comprehensive response strategy for Alzheimer's disease. The
5 bill creates a new Code chapter, Code chapter 135P, to direct
6 that the department of public health (DPH) is to develop and
7 administer, and provide for state-level coordination of, a
8 comprehensive Alzheimer's disease response strategy. The bill
9 provides a definition of Alzheimer's disease which includes
10 related dementias.

11 The bill directs DPH to develop and administer a
12 comprehensive Alzheimer's disease response strategy, to update
13 the strategy biennially, and to submit a progress report
14 annually in January to the governor and the general assembly.
15 The response strategy may include prioritization of objectives
16 and action steps to most efficiently utilize resources and
17 funding.

18 In providing state-level coordination, DPH is directed
19 to integrate public and private resources and programs,
20 reduce duplication, evaluate programs and services to ensure
21 that evidence-based, high-quality programs and services are
22 available to maximize the positive impact for individuals with
23 Alzheimer's and their families and caregivers, and promote
24 public awareness.

25 In developing and administering the comprehensive
26 Alzheimer's disease response strategy, DPH is directed to
27 establish an Alzheimer's disease coordinator within the
28 department and to convene a multidisciplinary advisory council.

29 The coordinator, in partnership with public and private
30 entities and the multidisciplinary advisory council, is
31 directed to implement the recommendations of the 2011
32 Alzheimer's disease stakeholder workgroup, and establish
33 standards for the comprehensive Alzheimer's disease response
34 strategy; inform, educate, and empower the public regarding
35 the impact of Alzheimer's disease, in order to increase



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 269

1 awareness of the disease and in particular the benefits
2 of early detection, while working to decrease the stigma
3 associated with Alzheimer's disease; monitor the prevalence
4 of Alzheimer's disease and cognitive impairment in the state
5 through data collection and coordination efforts and make
6 the data available to assist public and private efforts in
7 developing evidence-based programs and policies that address
8 Alzheimer's disease; evaluate, and promote the improved
9 effectiveness, accessibility and quality of, clinical and
10 population-based Alzheimer's services, including coordination
11 of services to reach rural and underserved areas of the
12 state; ensure a competent public and private sector workforce
13 specific to the challenges of Alzheimer's disease including
14 through coordination of state efforts regarding curricula and
15 training requirements for providers of services who interact
16 with individuals with Alzheimer's disease; act as a liaison to
17 various entities to ensure Alzheimer's disease is appropriately
18 addressed in the state; and secure public and private funding
19 relating to dementia to fulfill the duties specified under this
20 chapter.

21 The multidisciplinary advisory council is to assist and
22 advise the department and the coordinator; develop partnerships
23 related to Alzheimer's-related services and programs throughout
24 the state; and advocate on behalf of persons with Alzheimer's
25 disease and their families. The bill specifies the minimum
26 representation to be included in the advisory council.

27 The bill repeals the Code section relating to a directive
28 to DPH to analyze Iowa's population to determine the existing
29 service utilization and future service needs of persons with
30 Alzheimer's disease and similar forms of irreversible dementia
31 (Code section 135.171). DPH is required to incorporate this
32 directive into the comprehensive Alzheimer's disease response
33 strategy developed and administered under the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate File 270 - Introduced

SENATE FILE 270
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 22)

A BILL FOR

1 An Act specifying procedures applicable to claims asserting
2 stray electric current or voltage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1732SV (1) 85
rn/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 270

1 Section 1. NEW SECTION. 476D.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Board*" means the utilities board within the utilities
5 division of the department of commerce.

6 2. "*Dairy producer*" means any person or entity that owns or
7 operates a dairy farm or that owns cows that do or are intended
8 to produce milk.

9 3. "*Utility*" means a public utility as defined in section
10 476.1 or, for purposes of this chapter, any other person owning
11 or operating more than one thousand five hundred miles of
12 transmission lines and associated facilities in this state.

13 Sec. 2. NEW SECTION. 476D.2 Utility inspections — stray
14 current or voltage.

15 1. A dairy producer in this state that claims that its
16 dairy cows are being affected by stray current or voltage shall
17 provide written notice to a utility providing electric service
18 to the dairy producer and may provide written notice to the
19 board. The notice shall include a nonbinding statement as to
20 why the dairy producer claims its dairy cows are being affected
21 by electrical energy attributable to the utility.

22 2. a. Within fourteen business days after receipt of a
23 notice alleging stray current or voltage by a utility pursuant
24 to subsection 1, the utility shall take or arrange for the
25 taking of measurements to identify the existence and magnitude
26 of the stray current or voltage, if any. A dairy producer
27 providing notice of the claim shall permit entry onto the
28 dairy farm at dates and times mutually agreed upon by the
29 dairy producer and the utility. The utility shall perform no
30 other service or inspection on the dairy farm beyond taking
31 measurements of stray current or voltage, except the utility
32 may advise the dairy producer as to recommended on-farm
33 remedial action and may perform such on-farm remedial action
34 with the permission of the dairy producer. The utility or its
35 representative shall abide by the dairy farm's biosecurity

LSB 1732SV (1) 85

-1-

rn/nh

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 270

1 protocols or, if none, generally accepted biosecurity protocols
2 in the industry, prior to entry onto the dairy farm. The
3 utility shall be provided advance notice of any biosecurity
4 protocols adopted by the dairy producer.

5 **b.** A dairy producer may include with the notice provided
6 pursuant to subsection 1, or in a subsequent notice, a written
7 request for the board to take or arrange for the taking of
8 separate and independent measurements to identify the existence
9 and magnitude of stray current or voltage, if any. Such a
10 request may also be made by the utility. Measurements by
11 the board shall be taken by a representative of the board
12 directly, or by a neutral third-party expert selected by the
13 board for such purposes. A dairy producer providing notice
14 of the claim shall permit entry onto the dairy farm at dates
15 and times mutually agreed upon by the dairy producer and
16 the board, a representative of the board directly, or by a
17 neutral third-party expert selected by the board for such
18 purposes. The board or a selected third-party expert shall
19 perform no other service or inspection on the dairy farm beyond
20 taking measurements of stray current or voltage, except the
21 board or third-party expert may advise the dairy producer as
22 to recommended on-farm remedial action. The board or the
23 third-party expert shall abide by the dairy farm's biosecurity
24 protocols or, if none, by generally accepted biosecurity
25 protocols in the industry, prior to entry onto the dairy farm.
26 The board shall be provided advance notice of any biosecurity
27 protocols adopted by the dairy producer. The board shall
28 subsequently prepare or cause to be prepared a determination of
29 source document which shall be made available to both the dairy
30 producer and the utility.

31 **Sec. 3. NEW SECTION. 476D.3 Rules.**

32 The board shall by rule establish procedures and protocols
33 to be used for the measurement of stray current or voltage.
34 The board shall review the rules from time to time, or upon
35 petition to the board, to ensure that the procedures and

LSB 1732SV (1) 85
rn/nh

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 270

1 protocols continue to be scientifically and technologically
2 accurate and a reliable means of detecting stray current or
3 voltage.

4 EXPLANATION

5 This bill specifies procedures which apply to claims
6 asserting stray electric current or voltage affecting dairy
7 cows.

8 The bill provides that a dairy producer in Iowa claiming that
9 its dairy cows are being affected by stray current or voltage
10 shall provide written notice to a utility providing electric
11 service to the dairy producer and may provide written notice to
12 the utilities board of the utilities division of the department
13 of commerce. The notice shall include a nonbinding statement
14 as to why the dairy producer claims its dairy cows are being
15 affected by electrical energy attributable to the utility. The
16 bill states that within 14 business days after receipt of the
17 notice, the utility shall take or arrange for the taking of
18 measurements to identify the existence and magnitude of the
19 stray current or voltage, if any. The bill provides that the
20 dairy producer shall permit entry onto the dairy farm at dates
21 and times mutually agreed upon by the dairy producer and the
22 utility. The utility is required to perform no other service
23 or inspection on the dairy farm beyond taking measurements of
24 stray current or voltage, except the utility may advise the
25 dairy producer as to recommended on-farm remedial action and
26 may perform such on-farm remedial action with the permission
27 of the dairy producer. The bill provides that the utility or
28 its representative shall abide by the dairy farm's biosecurity
29 protocols or, if none, generally accepted biosecurity protocols
30 in the industry, prior to entry onto the dairy farm, and that
31 the utility shall be provided advance notice of any biosecurity
32 protocols adopted by the dairy producer.

33 The bill further provides that the dairy producer may
34 include either as part of the notice or in a separate
35 notification a written request for the board to take or arrange

LSB 1732SV (1) 85
rn/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 270

1 for the taking of separate and independent measurements to
2 identify the existence and magnitude of stray current or
3 voltage, if any, and that such a request may also be made
4 by the utility. Measurements by the board shall be taken
5 by a representative of the board directly, or by a neutral
6 third-party expert selected by the board for such purposes.
7 The bill specifies that a dairy producer shall permit entry
8 onto the dairy farm at dates and times mutually agreed upon
9 by the dairy producer and the board, a representative of the
10 board directly, or by a neutral third-party expert selected
11 by the board for such purposes. The same restrictions shall
12 apply to measurements taken by the board or a third-party
13 expert with regard to performing no other service or inspection
14 beyond taking measurements of stray current or voltage except
15 providing advice as to recommended on-farm remedial action,
16 and biosecurity protocols. The bill directs the board to
17 subsequently prepare or cause to be prepared a determination of
18 source document which shall be made available to both the dairy
19 producer and the utility.

20 The bill provides that the board shall by rule establish
21 procedures and protocols to be used for the measurement of
22 stray current or voltage, which the board shall periodically
23 review, either of its own accord or upon petition to the board,
24 to ensure that the procedures and protocols continue to be
25 scientifically and technologically accurate and a reliable
26 means of detecting stray current or voltage.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate File 271 - Introduced

SENATE FILE 271
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1118)

A BILL FOR

1 An Act concerning the alcoholic beverages division of the
2 department of commerce and alcoholic beverage control, and
3 making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1168SV (1) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

DIVISION I

APPLICATIONS, FORMS, AND RECORDS

Section 1. Section 123.3, subsection 6, Code 2013, is amended to read as follows:

6. "~~Application~~" means a ~~formal~~ written request for the issuance of a permit or license that is supported by a verified statement of facts and submitted electronically, or in a manner prescribed by the administrator.

Sec. 2. Section 123.19, subsections 1 and 2, Code 2013, are amended to read as follows:

1. Any manufacturer, distiller, or importer of alcoholic beverages shipping, selling, or having alcoholic beverages brought into this state for resale by the state shall, as a condition precedent to the privilege of so trafficking in alcoholic liquors in this state, annually make application for and hold a distiller's certificate of compliance which shall be issued by the administrator for that purpose. No brand of alcoholic liquor shall be sold by the division in this state unless the manufacturer, distiller, importer, and all other persons participating in the distribution of that brand in this state have obtained a certificate. The certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise suspended or revoked for cause. Each application for a certificate of compliance or renewal shall be made submitted electronically, or in a manner and upon forms prescribed by the administrator, and shall be accompanied by a fee of fifty dollars payable to the division. However, this subsection need not apply to a manufacturer, distiller, or importer who ships or sells in this state no more than eleven gallons or its case equivalent during any fiscal year as a result of "special orders" which might be placed, as defined and allowed by divisional rules adopted under this chapter.

2. At the time of applying for a certificate of compliance,

LSB 1168SV (1) 85

-1-

ec/nh

1/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 each applicant shall ~~file with~~ submit to the division
2 electronically, or in a manner prescribed by the administrator,
3 the name and address of its authorized agent for service of
4 process which shall remain effective until changed for another,
5 and a list of names and addresses of all representatives,
6 employees, or attorneys whom the applicant has appointed in the
7 state of Iowa to represent it for any purpose. The listing
8 shall be amended from time to time by the certificate holder as
9 necessary to keep the listing current with the division.

10 Sec. 3. Section 123.31, unnumbered paragraph 1, Code 2013,
11 is amended to read as follows:

12 Verified applications for the original issuance or the
13 renewal of liquor control licenses shall be ~~filed at the~~
14 ~~time and in the number of copies as the administrator shall~~
15 prescribe, on forms submitted electronically, or in a manner
16 prescribed by the administrator, and shall set forth under oath
17 the following information:

18 Sec. 4. Section 123.32, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. *Filing of application.* An application for a class "A",
21 class "B", class "C", or class "E" liquor control license, for
22 a class "A" micro-distilled spirits permit, for a retail beer
23 permit as provided in sections 123.128 and 123.129, or for a
24 class "B", class "B" native, or class "C" native retail wine
25 permit as provided in section 123.178, 123.178A, or 123.178B,
26 accompanied by the necessary fee and bond, if required, shall
27 be filed with the appropriate city council if the premises for
28 which the license or permit is sought are located within the
29 corporate limits of a city, or with the board of supervisors
30 if the premises for which the license or permit is sought are
31 located outside the corporate limits of a city. An application
32 for a class "D" liquor control license and for a class "A"
33 beer or class "A" wine permit, accompanied by the necessary
34 fee and bond, if required, shall be ~~filed with~~ submitted to
35 the division electronically, or in a manner prescribed by the

LSB 1168SV (1) 85
ec/nh

2/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 administrator, which shall proceed in the same manner as in the
2 case of an application approved by local authorities.

3 Sec. 5. Section 123.33, Code 2013, is amended to read as
4 follows:

5 **123.33 Records.**

6 Every holder of a liquor control license shall keep a
7 daily record, in printed or electronic format, of the gross
8 receipts of the holder's business. The records required and
9 the premises of the licensee shall be accessible and open to
10 inspection pursuant to section 123.30, subsection 1, during
11 normal business hours of the licensee.

12 Sec. 6. Section 123.41, subsection 1, Code 2013, is amended
13 to read as follows:

14 1. ~~Upon Each~~ application ~~in the prescribed form to obtain~~
15 or renew a manufacturer's license shall be submitted to the
16 division electronically, or in a manner prescribed by the
17 administrator, and shall be accompanied by a fee of three
18 hundred fifty dollars, the payable to the division. The
19 administrator may in accordance with this chapter grant and
20 issue a manufacturer's license, valid for a one-year period
21 after date of issuance, to a manufacturer which shall allow
22 the manufacture, storage, and wholesale disposition and sale
23 of alcoholic liquors to the division and to customers outside
24 of the state.

25 Sec. 7. Section 123.42, subsection 1, Code 2013, is amended
26 to read as follows:

27 1. Prior to representing or promoting a distiller's
28 alcoholic liquor products in the state, the broker shall
29 ~~make submit an~~ application to the ~~administrator on forms~~
30 provided division electronically, or in a manner prescribed
31 by the division administrator, for a broker's permit. The
32 administrator may in accordance with this chapter issue a
33 broker's permit which shall be valid for one year from the
34 date of issuance unless it is sooner suspended or revoked
35 for a violation of this chapter. A broker's permit is valid

LSB 1168SV (1) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 throughout the state, and a broker who represents more than one
2 distiller is required to obtain only one broker's permit.

3 Sec. 8. Section 123.127, subsection 1, paragraph a,
4 unnumbered paragraph 1, Code 2013, is amended to read as
5 follows:

6 Submits ~~a written~~ an application ~~for such permit~~
7 electronically, or in a manner prescribed by the administrator,
8 which ~~application~~ shall state under oath:

9 Sec. 9. Section 123.127, subsection 1, paragraph c, Code
10 2013, is amended to read as follows:

11 c. Furnishes a bond in ~~the form~~ a manner prescribed and
12 ~~to be furnished~~ by the ~~division~~ administrator, with good
13 and sufficient sureties to be approved by the administrator
14 conditioned upon the faithful observance of this chapter, in
15 the ~~penal~~ sum of five thousand dollars, payable to the state.

16 Sec. 10. Section 123.128, subsection 1, unnumbered
17 paragraph 1, Code 2013, is amended to read as follows:

18 Submits ~~a written~~ an application ~~for such permit~~
19 electronically, or in a manner prescribed by the administrator,
20 which ~~application~~ shall state under oath:

21 Sec. 11. Section 123.129, subsection 2, paragraph a, Code
22 2013, is amended to read as follows:

23 a. Submits ~~a written~~ an application ~~for such permit~~
24 electronically, or in a manner prescribed by the administrator,
25 which ~~application~~ shall state under oath all the information
26 required of a class "A" applicant by section 123.127,
27 subsection 1, paragraph "a".

28 Sec. 12. Section 123.135, subsections 1 and 3, Code 2013,
29 are amended to read as follows:

30 1. A manufacturer, brewer, bottler, importer, or vendor
31 of beer or any agent thereof desiring to ship or sell beer,
32 or have beer brought into this state for resale by a class
33 "A" permittee shall first make application for and be issued
34 a brewer's certificate of compliance by the administrator
35 for that purpose. The certificate of compliance expires at

LSB 1168SV (1) 85
ec/nh

-4-

4/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 the end of one year from the date of issuance and shall be
2 renewed for a like period upon application to the administrator
3 unless otherwise revoked for cause. Each application for a
4 certificate of compliance or renewal of a certificate shall
5 be submitted electronically, or in a manner prescribed by
6 the administrator, and shall be accompanied by a fee of five
7 hundred dollars payable to the division. Each holder of a
8 certificate of compliance shall furnish the information in ~~the~~
9 form a manner the administrator requires.

10 3. All class "A" permit holders shall sell only those brands
11 of beer which are manufactured, brewed, bottled, shipped,
12 or imported by a person holding a current certificate of
13 compliance. Any employee or agent working for or representing
14 the holder of a certificate of compliance within this state
15 shall ~~register~~ submit electronically, or in a manner prescribed
16 by the administrator, the employee's or agent's name and
17 address with the division, ~~which names and addresses shall be~~
18 ~~filed with the division's copy of the certificate of compliance~~
19 ~~issued.~~

20 Sec. 13. Section 123.137, unnumbered paragraph 1, Code
21 2013, is amended to read as follows:

22 A person holding a class "A" or special class "A" permit
23 shall on or before the tenth day of each calendar month
24 commencing on the tenth day of the calendar month following the
25 month in which the person is issued a permit, make a report
26 under oath to the division ~~upon forms to be furnished by~~
27 ~~the division for that purpose~~ electronically, or in a manner
28 prescribed by the administrator, showing the exact number of
29 barrels of beer, or fractional parts of barrels, sold by the
30 permit holder during the preceding calendar month. The report
31 shall also state information the administrator requires, and
32 permit holders shall at the time of filing a report pay to the
33 division the amount of tax due at the rate fixed in section
34 123.136.

35 Sec. 14. Section 123.173, subsection 4, Code 2013, is

LSB 1168SV (1) 85

-5-

ec/nh

5/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 amended to read as follows:

2 4. When a class "B" or class "B" native wine permittee who
3 also holds a class "E" liquor control license sells wine to a
4 class "A", class "B", or class "C" liquor control licensee, the
5 liquor control licensee shall sign a report attesting to the
6 purchase. The class "B" or class "B" native wine permittee who
7 also holds a class "E" liquor control license shall submit a
8 report to the division electronically, on forms supplied by the
9 division or in a manner prescribed by the administrator, not
10 later than the tenth of each month ~~a report~~ stating each sale
11 of wine to class "A", class "B", and class "C" liquor control
12 licensees during the preceding month, the date of each sale,
13 and the brands and numbers of bottles with each sale. A class
14 "B" permittee who holds a class "E" liquor control license
15 may sell to class "A", class "B", or class "C" liquor control
16 licensees only if the licensed premises of the liquor control
17 licensee is located within the geographic territory of the
18 class "A" wine permittee from which the wine was originally
19 purchased by the class "B" wine permittee.

20 Sec. 15. Section 123.175, subsection 1, unnumbered
21 paragraph 1, Code 2013, is amended to read as follows:

22 Submits ~~a written~~ an application electronically, or in a
23 manner prescribed by the administrator, for the permit and
24 ~~states on the application which shall state~~ under oath:

25 Sec. 16. Section 123.175, subsection 3, Code 2013, is
26 amended to read as follows:

27 3. Submits, in the case of a class "A" wine permit, a bond
28 in the amount of five thousand dollars in ~~the form~~ a manner
29 ~~prescribed and furnished~~ prescribed and furnished by the ~~division~~ administrator with
30 good and sufficient sureties to be approved by the division
31 conditioned upon compliance with this chapter.

32 Sec. 17. Section 123.180, subsection 1, Code 2013, is
33 amended to read as follows:

34 1. A manufacturer, vintner, bottler, importer, or vendor
35 of wine or an agent thereof desiring to ship, sell, or have

LSB 1168SV (1) 85
ec/nh

6/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 wine brought into this state for resale by the division or for
2 sale at wholesale by a class "A" permittee shall first make
3 application for and shall be issued a vintner's certificate
4 of compliance by the administrator for that purpose. The
5 vintner's certificate of compliance shall expire at the end of
6 one year from the date of issuance and shall be renewed for
7 a like period upon application to the administrator unless
8 otherwise revoked for cause. Each application for a vintner's
9 certificate of compliance or renewal of a certificate shall
10 be submitted electronically, or in a manner prescribed by the
11 administrator, and shall be accompanied by a fee of one hundred
12 dollars payable to the division. Each holder of a vintner's
13 certificate of compliance shall furnish the information
14 required by the administrator in the form the administrator
15 requires. A vintner or wine bottler whose plant is located in
16 Iowa and who otherwise holds a class "A" wine permit to sell
17 wine at wholesale is exempt from the fee, but not the other
18 terms and conditions. The holder of a vintner's certificate of
19 compliance may also hold a class "A" wine permit.

20 Sec. 18. Section 123.184, Code 2013, is amended to read as
21 follows:

22 **123.184 Report of gallonage sales — penalty.**

23 Each class "A" wine permit holder on or before the tenth
24 day of each calendar month commencing on the tenth day of the
25 calendar month following the month in which the person is
26 issued a permit, shall make a report under oath to the division
27 ~~upon forms to be furnished by the division electronically, or~~
28 in a manner prescribed by the administrator, showing the exact
29 number of gallons of wine and fractional parts of gallons, sold
30 by that permit holder during the preceding calendar month.
31 The report also shall state whatever reasonable additional
32 information the administrator requires. The permit holder
33 at the time of filing this report shall pay to the division
34 the amount of tax due at the rate fixed in section 123.183.
35 A penalty of ten percent of the amount of the tax shall be

LSB 1168SV (1) 85
ec/nh

7/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 assessed and collected if the report is not filed and the tax
2 paid within the time required by this section.

3 Sec. 19. Section 123.187, subsection 2, paragraph a, Code
4 2013, is amended to read as follows:

5 a. The administrator shall issue a wine direct shipper
6 license to a wine manufacturer who submits ~~a written~~ an
7 application for the license on a form to be established
8 electronically, or in a manner prescribed by the administrator
9 by rule, accompanied by a true copy of the manufacturer's
10 current alcoholic beverage license or permit and a copy of the
11 manufacturer's winery license issued by the federal alcohol and
12 tobacco tax and trade bureau.

13 DIVISION II

14 COMMISSION AND DIVISION DUTIES — BONDS, PAYMENTS, AND REPORTS

15 Sec. 20. Section 123.10, unnumbered paragraph 1, Code 2013,
16 is amended to read as follows:

17 The governor shall appoint the administrator of the
18 alcoholic beverages division, subject to confirmation by the
19 senate, to a four-year term. A vacancy in an unexpired term
20 shall be filled in the same manner as a full-term appointment
21 is made. The administrator shall not be a member of the
22 commission. The administrator's salary shall be fixed by the
23 general assembly. The administrator shall be qualified to
24 perform the administrator's duties by managerial ability and
25 experience as a business executive. ~~The administrator shall~~
26 ~~post a bond paid from the state general fund in an amount~~
27 ~~established by the governor to insure proper discharge of the~~
28 ~~administrator's duties.~~

29 Sec. 21. Section 123.24, subsections 2 and 3, Code 2013, are
30 amended to read as follows:

31 2. a. The division may accept from a class "E" liquor
32 control licensee ~~a cashier's check which shows the licensee~~
33 ~~is the remitter or a check issued by the licensee~~ electronic
34 funds transferred by automated clearing house, wire transfer,
35 or another method deemed acceptable by the administrator,

LSB 1168SV (1) 85

-8-

ec/nh

8/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 in payment of alcoholic liquor. If a ~~check~~ payment is
2 subsequently dishonored, the division shall cause a notice
3 of nonpayment and penalty to be served upon the class "E"
4 liquor control licensee or upon any person in charge of the
5 licensed premises. The notice shall state that if payment
6 or satisfaction for the dishonored ~~check~~ payment is not made
7 within ten days of the service of notice, the licensee's liquor
8 control license may be suspended under section 123.39. The
9 notice of nonpayment and penalty shall be in a form prescribed
10 by the administrator, and shall be sent by certified mail.

11 *b.* If upon notice and hearing under section 123.39 and
12 pursuant to the provisions of chapter 17A concerning a
13 contested case hearing, the administrator determines that
14 the class "E" liquor control licensee failed to satisfy the
15 obligation for which the ~~check~~ payment was issued within ten
16 days after the notice of nonpayment and penalty was served on
17 the licensee as provided in paragraph "a" of this subsection,
18 the administrator may suspend the licensee's class "E" liquor
19 control license for a period not to exceed ten days.

20 3. The administrator may refuse to sell alcoholic liquor
21 to a class "E" liquor control licensee who tenders a ~~check~~
22 ~~or electronic funds transfer~~ payment which is subsequently
23 dishonored until the outstanding obligation is satisfied.

24 Sec. 22. Section 123.55, unnumbered paragraph 1, Code 2013,
25 is amended to read as follows:

26 The commission shall cause to be prepared an annual report to
27 the governor of the state, ending with June 30 of each fiscal
28 year, showing fully the results of on the operations operation
29 and financial position of the division covering the period
30 since the last previous report for the preceding fiscal year.
31 ~~Such~~ The report shall ~~show~~ include but is not limited to the
32 following information:

33 Sec. 23. REPEAL. Section 123.8, Code 2013, is repealed.

34 DIVISION III
35 BEER AND WINE PROVISIONS

LSB 1168SV (1) 85
ec/nh

9/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 Sec. 24. Section 123.3, subsections 7 and 19, Code 2013, are
2 amended to read as follows:

3 7. "*Beer*" means any liquid capable of being used for
4 beverage purposes made by the fermentation of an infusion
5 in potable water of barley, malt, and hops, with or without
6 unmalted grains or decorticated and degerminated grains or made
7 by the fermentation of or by distillation of the fermented
8 products of fruit, fruit extracts, or other agricultural
9 products, containing more than one-half of one percent of
10 alcohol by volume but not more than five percent of alcohol by
11 weight or six and twenty-five hundredths percent of alcohol by
12 volume but not including mixed drinks or cocktails mixed on the
13 premises.

14 19. "*High alcoholic content beer*" means beer which
15 contains more than five percent of alcohol by weight or six
16 and twenty-five hundredths percent of alcohol by volume, but
17 not more than twelve percent of alcohol by weight or fifteen
18 percent of alcohol by volume, that is made by the fermentation
19 of an infusion in potable water of barley, malt, and hops, with
20 or without unmalted grains or decorticated and degerminated
21 grains. Not more than one and five-tenths percent of the
22 volume of a "*high alcoholic content beer*" may consist of alcohol
23 derived from added flavors and other nonbeverage ingredients
24 containing alcohol. The added flavors and other nonbeverage
25 ingredients may not include added caffeine or other added
26 stimulants including but not limited to guarana, ginseng, and
27 taurine.

28 Sec. 25. Section 123.99, Code 2013, is amended to read as
29 follows:

30 **123.99 False statements.**

31 If any person, for the purpose of procuring the shipment,
32 transportation, or conveyance of any intoxicating ~~liquors~~
33 liquor, wine, or beer within this state, shall make to any
34 person, company, corporation, or common carrier, or to any
35 agent thereof, any false statements as to the character

LSB 1168SV (1) 85

-10-

ec/nh

10/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 or contents of any box, barrel, or other vessel or package
2 containing such ~~liquors~~ liquor, wine, or beer; or shall refuse
3 to give correct and truthful information as to the contents of
4 any such box, barrel, or other vessel or package so sought to
5 be transported or conveyed; or shall falsely mark, brand, or
6 label such box, barrel, or other vessel or package in order to
7 conceal the fact that the same contains intoxicating ~~liquors~~
8 liquor, wine, or beer; or shall by any device or concealment
9 procure or attempt to procure the conveyance or transportation
10 of such ~~liquors~~ liquor, wine, or beer as herein prohibited, the
11 person shall be guilty of a simple misdemeanor.

12 Sec. 26. Section 123.100, Code 2013, is amended to read as
13 follows:

14 **123.100 Packages in transit.**

15 Any peace officer of the county under process or warrant to
16 the peace officer directed shall have the right to open any
17 box, barrel, or other vessel or package for examination, if
18 the peace officer has reasonable ground for believing that it
19 contains intoxicating ~~liquors~~ liquor, wine, or beer, either
20 before or while the same is being so transported or conveyed.

21 Sec. 27. Section 123.101, Code 2013, is amended to read as
22 follows:

23 **123.101 Record of shipments.**

24 It shall be the duty of all common carriers, or corporations,
25 or persons who shall for hire carry any intoxicating ~~liquors~~
26 liquor, wine, or beer into the state, or from one point to
27 another within the state, for the purpose of delivery, and
28 who shall deliver such intoxicating liquor, wine, or beer to
29 any person, company, or corporation, to ~~keep, at each station~~
30 ~~or office where it employs an agent or other person to make~~
31 ~~delivery of freight and keep records relative thereto, a record~~
32 ~~book, wherein such carrier shall, promptly upon receipt and~~
33 ~~prior to delivery, enter in ink, in legible writing, in full,~~
34 maintain a proper record of the name of the consignor of each
35 shipment of intoxicating liquor ~~to be delivered from or through~~

LSB 1168SV (1) 85

-11-

ec/nh

11/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 ~~such station,~~ wine, or beer from where shipped, the date of
2 arrival, the quantity and kind of intoxicating liquor, wine,
3 or beer, so far as disclosed by lettering on the package or by
4 the carrier's records, and to whom and where consigned, and the
5 date delivered.

6 Sec. 28. Section 123.102, Code 2013, is amended to read as
7 follows:

8 **123.102 Inspection of shipping records.**

9 The ~~record book~~ records required by section 123.101 shall,
10 during business hours, be open to inspection by any peace or
11 law enforcing officer. It ~~shall be~~ is a simple misdemeanor to
12 refuse such inspection.

13 Sec. 29. Section 123.103, Code 2013, is amended to read as
14 follows:

15 **123.103 Record receipt upon delivery.**

16 ~~No shipment billed in whole or in part as intoxicating~~
17 ~~liquor shall be delivered to the consignee until such consignee~~
18 ~~upon such record book enters in ink, in legible writing, the~~
19 ~~consignee's~~ The full name and residence or place of business,
20 ~~giving the name of the city, and the street name and number if~~
21 ~~any, and certifies~~ of the consignee of a shipment billed in
22 whole or in part as intoxicating liquor, wine, or beer, shall
23 be properly recorded at the time of delivery and the consignee
24 shall certify that such the intoxicating liquor, wine, or beer
25 is for the consignee's own lawful purposes.

26 Sec. 30. Section 123.104, Code 2013, is amended to read as
27 follows:

28 **123.104 Unlawful delivery.**

29 It ~~shall be~~ is a simple misdemeanor for any corporation,
30 common carrier, person, or any agent or employee thereof:

31 1. To deliver any intoxicating ~~liquors~~ liquor, wine, or beer
32 to any person other than to the consignee.

33 2. To deliver any intoxicating ~~liquors~~ liquor, wine, or
34 beer without having the same ~~received for~~ properly recorded
35 as provided in section 123.103.

LSB 1168SV (1) 85

-12-

ec/nh

12/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 3. To deliver any intoxicating ~~liquors~~ liquor, wine, or
2 beer where there is reasonable ground to believe that such
3 intoxicating liquor, wine, or beer is intended for unlawful
4 use.

5 Sec. 31. Section 123.106, Code 2013, is amended to read as
6 follows:

7 **123.106 Federal statutes.**

8 The requirements of this chapter relative to the shipment
9 and delivery of intoxicating ~~liquors~~ liquor, wine, or beer and
10 the records to be kept thereof shall be construed in harmony
11 with federal statutes relating to interstate commerce in such
12 ~~liquors~~ liquor, wine, or beer.

13 Sec. 32. Section 123.107, subsection 1, paragraph a, Code
14 2013, is amended to read as follows:

15 a. To set out exactly the kind or quantity of intoxicating
16 ~~liquors~~ liquor, wine, or beer manufactured, sold, given in
17 evasion of the statute, or kept for sale.

18 Sec. 33. Section 123.111, Code 2013, is amended to read as
19 follows:

20 **123.111 Purchaser as witness.**

21 The person purchasing any intoxicating liquor, wine, or
22 beer sold in violation of this chapter shall in all cases be a
23 competent witness to prove such sale.

24 Sec. 34. Section 123.115, Code 2013, is amended to read as
25 follows:

26 **123.115 Defense.**

27 In any prosecution under this chapter for the unlawful
28 transportation of intoxicating ~~liquors~~ liquor, wine, or beer
29 it shall be a defense that the character and contents of the
30 shipment or thing transported were not known to the accused or
31 to the accused's agent or employee.

32 Sec. 35. Section 123.116, Code 2013, is amended to read as
33 follows:

34 **123.116 Right to receive ~~liquors~~ liquor, wine, or beer.**

35 The consignee of intoxicating ~~liquors~~ liquor, wine, or beer

LSB 1168SV (1) 85

-13-

ec/nh

13/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 shall, on demand of the carrier transporting such ~~liquors~~
2 liquor, wine, or beer, furnish the carrier, at the place of
3 delivery, with legal proof of the consignee's legal right to
4 receive such ~~liquors~~ liquor, wine, or beer at the time of
5 delivery, and until such proof is furnished the carrier shall
6 be under no legal obligation to make delivery nor be liable for
7 failure to deliver.

8 Sec. 36. Section 123.117, Code 2013, is amended to read as
9 follows:

10 **123.117 Delivery to sheriff.**

11 If such proof is not furnished the carrier within ten days
12 after demand, the carrier may deliver such ~~liquors~~ liquor,
13 wine, or beer to the sheriff of the county embracing the place
14 of delivery, and such delivery shall absolve the carrier from
15 all liability pertaining to such ~~liquors~~ liquor, wine, or beer.

16 Sec. 37. Section 123.118, Code 2013, is amended to read as
17 follows:

18 **123.118 Destruction.**

19 The sheriff shall, on receipt of such ~~liquors~~ liquor, wine,
20 or beer from the carrier, report the receipt to the district
21 court of the sheriff's county, and the court shall proceed to
22 summarily enter an order for the destruction or forfeiture to
23 the state of such ~~liquors~~ liquor, wine, or beer.

24 Sec. 38. Section 123.120, Code 2013, is amended to read as
25 follows:

26 **123.120 Attempt to destroy.**

27 The destruction of or attempt to destroy any liquid by
28 any person while in the presence of peace officers or while
29 a property is being searched by a peace officer, shall be
30 competent evidence that such liquid is intoxicating liquor,
31 wine, or beer and intended for unlawful purposes.

32 Sec. 39. Section 123.121, unnumbered paragraph 2, Code
33 2013, is amended to read as follows:

34 In any prosecution under this chapter for the unlawful
35 transportation of intoxicating liquor, wine, or beer,

LSB 1168SV (1) 85
ec/nh

14/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 the offense shall be held to have been committed in any
2 county in which such liquor, wine, or beer is received for
3 transportation, through which it is transported, or in which it
4 is delivered.

5 Sec. 40. Section 123.138, subsection 1, Code 2013, is
6 amended to read as follows:

7 1. Each class "A" or special class "A" permittee shall
8 keep proper ~~books of account and~~ records showing the amount of
9 beer sold by the permittee, and these ~~books of account~~ records
10 shall be at all times open to inspection by the administrator
11 and to other persons pursuant to section 123.30, subsection

12 1. Each class "B" ~~and~~ permittee, class "C" permittee, and
13 retail liquor control licensee shall keep proper ~~books of~~
14 ~~account and~~ records showing each purchase of beer made by the
15 permittee and licensee, and the date and the amount of each
16 purchase and the name of the person from whom each purchase
17 was made, which ~~books of account and~~ records shall be open to
18 inspection pursuant to section 123.30, subsection 1, during
19 normal business hours of the permittee or licensee.

20 Sec. 41. Section 123.144, Code 2013, is amended to read as
21 follows:

22 **123.144 Bottling beer.**

23 1. No person shall bottle beer within the state of Iowa ~~for~~
24 ~~purposes other than for individual consumption in a private~~
25 ~~home~~, except class "A", special class "A", class "AA", and
26 special class "AA" permittees who have complete equipment for
27 bottling beer and who have received the approval of the local
28 board of health as to sanitation, and it. It shall be the duty
29 of local boards of health to inspect the premises and equipment
30 of class "A", special class "A", class "AA", and special class
31 "AA" permittees who desire to bottle beer.

32 2. However, any person of legal age may bottle beer for
33 personal use and if it is not sold or offered in exchange for
34 any type of consideration. In addition, such beer may be
35 removed from the premises where it was bottled for personal use

LSB 1168SV (1) 85

-15-

ec/nh

15/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 including use at bona fide exhibitions, competitions, contests,
2 tastings, or judged events, if the beer is not sold or offered
3 in exchange for any type of consideration.

4 Sec. 42. Section 123.185, Code 2013, is amended to read as
5 follows:

6 **123.185 Records required.**

7 Each class "A" wine permittee shall keep ~~books of account and~~
8 records showing each sale of wine, which shall be at all times
9 open to inspection by the administrator and pursuant to section
10 123.30, subsection 1. Each class "B" wine permittee shall keep
11 proper ~~books of account and~~ records showing each purchase of
12 wine and the date and the amount of each purchase and the name
13 of the person from whom each purchase was made, which shall be
14 open to inspection pursuant to section 123.30, subsection 1,
15 during normal business hours of the permittee.

16 EXPLANATION

17 This bill makes several changes relative to the alcoholic
18 beverages division of the department of commerce and alcoholic
19 beverage control.

20 Division I, concerning applications, forms, and records,
21 amends several provisions of Code chapter 123 to provide that
22 various forms and applications currently submitted to and
23 supplied by the division in written form shall be submitted or
24 supplied electronically, or in a manner as prescribed by the
25 administrator of the division.

26 Division II concerns certain reports, payments, and bonding
27 requirements relative to the alcoholic beverages commission and
28 division.

29 Code section 123.10, concerning the duties of the
30 administrator of the division, is amended to remove the
31 requirement that the administrator post a surety bond.

32 Code section 123.24, concerning alcoholic liquor sales by
33 the division, is amended to provide that payment for liquor
34 sales by liquor control licensees can be made by electronic
35 funds transfer, wire transfer, or other method deemed

LSB 1168SV (1) 85
ec/nh

16/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 271

1 acceptable by the administrator.

2 Code section 123.55, concerning the annual report of the
3 commission, is amended to clarify that the report covers a
4 fiscal year and concerns the operation and financial position
5 of the division.

6 Code section 123.8, requiring alcoholic beverages commission
7 members and certain division employees to post a surety bond,
8 is repealed.

9 Division III of the bill makes changes relative to alcoholic
10 beverage control of wine and beer.

11 Code section 123.3(7) and (19), concerning the definitions
12 of beer and high alcoholic content beer, are amended to provide
13 the allowable alcoholic content of beer and high alcoholic
14 content beer by volume. Current law defines the allowable
15 alcoholic content of beer and high alcoholic content beer by
16 weight.

17 Code sections 123.99, 123.100, 123.101, 123.103, 123.104,
18 123.106, 123.107, 123.111, 123.115, 123.116, 123.120, and
19 123.121, generally related to the shipment and delivery of
20 intoxicating liquors, and applicable criminal penalties, are
21 amended to provide that the requirements of these sections also
22 apply to wine and beer.

23 Code section 123.138(1), concerning records a permittee is
24 required to maintain relative to the sale of beer, is amended
25 to extend this requirement to retail liquor control licensees
26 that also sell beer.

27 Code section 123.144, concerning bottling beer, is amended
28 to allow beer bottled for personal use to be used other
29 than where it was bottled for use at bona fide exhibitions,
30 competitions, contests, tastings, and judged events, if
31 the beer is not sold or offered in exchange for any type of
32 consideration.

33 Code sections 123.138 and 123.185, concerning records a
34 permittee is required to maintain, are amended by striking
35 language relative to keeping books of account.

LSB 1168SV (1) 85
ec/nh

17/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate File 272 - Introduced

SENATE FILE 272
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1003)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of natural resources, including the registration and titling
3 of snowmobiles and all-terrain vehicles, the restore the
4 outdoors program, and protected wetlands.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1301SV (1) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 272

1 DIVISION I
2 SNOWMOBILE AND ALL-TERRAIN VEHICLE TITLING REGISTRATION
3 Section 1. Section 321G.29, subsection 3, Code 2013, is
4 amended to read as follows:
5 3. An owner of a snowmobile shall apply to the county
6 recorder for issuance of a certificate of title within thirty
7 days after acquisition. The application shall be on forms
8 the department prescribes and accompanied by the required
9 fee. The application ~~shall be signed and sworn to before a~~
10 ~~notarial officer as provided in chapter 9B or other person~~
11 ~~who administers oaths,~~ or shall include a certification
12 signed in writing containing substantially the representation
13 that statements made are true and correct to the best of the
14 applicant's knowledge, information, and belief, under penalty
15 of perjury. The application shall contain the date of sale
16 and gross price of the snowmobile or the fair market value if
17 no sale immediately preceded the transfer and any additional
18 information the department requires. If the application is
19 made for a snowmobile last previously registered or titled in
20 another state or foreign country, the application shall contain
21 this information and any other information the department
22 requires.
23 Sec. 2. Section 321I.31, subsection 3, Code 2013, is amended
24 to read as follows:
25 3. An owner of an all-terrain vehicle shall apply to
26 the county recorder for issuance of a certificate of title
27 within thirty days after acquisition. The application shall
28 be on forms the department prescribes and accompanied by the
29 required fee. The application ~~shall be signed and sworn to~~
30 ~~before a notary public as provided in chapter 9B or other~~
31 ~~person who administers oaths,~~ or shall include a certification
32 signed in writing containing substantially the representation
33 that statements made are true and correct to the best of the
34 applicant's knowledge, information, and belief, under penalty
35 of perjury. The application shall contain the date of sale and

LSB 1301SV (1) 85
dea/nh

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 272

1 gross price of the all-terrain vehicle or the fair market value
2 if no sale immediately preceded the transfer and any additional
3 information the department requires. If the application is
4 made for an all-terrain vehicle last previously registered or
5 titled in another state or foreign country, the application
6 shall contain this information and any other information the
7 department requires.

8

DIVISION II

9

RESTORE THE OUTDOORS PROGRAM

10 Sec. 3. REPEAL. Section 461A.3A, Code 2013, is repealed.

11

DIVISION III

12

PROTECTED WETLANDS

13 Sec. 4. Section 427.1, subsection 23, unnumbered paragraph
14 1, Code 2013, is amended to read as follows:

15 Land designated as native prairie or land designated as
16 a protected wetland, as defined in section 456B.1, by the
17 department of natural resources ~~pursuant to section 456B.12.~~

18 Sec. 5. Section 456B.1, subsection 4, Code 2013, is amended
19 to read as follows:

20 4. "*Protected wetlands*" means type 3, type 4, and type
21 5 wetlands as described in circular 39, "Wetlands of the
22 United States", 1971 Edition, published by the United States
23 department of the interior, or a palustrine emergent wetland
24 with a water regime of seasonally flooded, semipermanently
25 flooded, or permanently flooded as described in classification
26 of wetlands and deepwater habitats of the United States,
27 originally published in 1979 by the United States fish and
28 wildlife service. However, a protected wetland does not
29 include land where an agricultural drainage well has been
30 plugged causing a temporary wetland or land within a drainage
31 district or levee district.

32 Sec. 6. REPEAL. Sections 456B.12, 456B.13, 456B.14, and
33 654A.16, Code 2013, are repealed.

34

EXPLANATION

35 This bill concerns matters administered by the department of

LSB 1301SV (1) 85

-2-

dea/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 272

1 natural resources.

2 DIVISION I — SNOWMOBILE AND ALL-TERRAIN VEHICLE TITLING
3 AND REGISTRATION. Currently, an application for a certificate
4 of title for a snowmobile or all-terrain vehicle must either
5 be signed and sworn to before a notary public or other person
6 who administers oaths, or include the applicant's signed
7 certification that statements made in the application are
8 true and correct. The bill strikes the language relating to
9 notarization of the application, requiring only the signed
10 certification by the owner.

11 DIVISION II — RESTORE THE OUTDOORS PROGRAM. The bill
12 repeals the restore the outdoors program whose stated
13 purpose is to provide funding for new and existing vertical
14 infrastructure projects in existing state parks and other
15 public facilities managed by the department.

16 DIVISION III — PROTECTED WETLANDS. The bill amends
17 the definition of "protected wetlands" to include certain
18 palustrine emergent wetlands. The bill repeals Code section
19 456B.12, relating to the department's designation of protected
20 wetlands and marshes of each county and the procedure by which
21 affected landowners may challenge a preliminary wetlands
22 designation; Code section 456B.13, requiring a person to obtain
23 a permit from the department to drain a protected wetland
24 and citing exceptions for certain activities; Code section
25 456B.14, relating to civil penalties for violation of permit
26 requirements; and Code section 654A.16, relating to mediation
27 between the department and landowners affected by a preliminary
28 wetland designation.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate File 273 - Introduced

SENATE FILE 273
BY SCHNEIDER

A BILL FOR

1 An Act modifying qualification requirements for classroom
2 driver education instructors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1725XS (1) 85
kh/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 273

1 Section 1. Section 321.178, subsection 1, paragraph b,
2 subparagraph (1), Code 2013, is amended to read as follows:

3 (1) To be qualified as a classroom driver education
4 instructor, a person shall ~~have satisfied the educational~~
5 ~~requirements for a teaching~~ meet one of the following
6 requirements:

7 (a) Hold a valid teacher's license at the elementary or
8 ~~secondary level and hold a valid license~~ an endorsement to
9 teach driver education in the public schools of this state
10 issued under chapter 272.

11 (b) Be a peace officer as defined in section 801.4,
12 subsection 11.

13 (c) Be retired under chapter 97A or 411, or section 97B.49B
14 or 97B.49C, after service as a peace officer as defined in
15 section 801.4, subsection 11.

16 EXPLANATION

17 This bill permits a person who is a peace officer or a
18 retired peace officer to be qualified as a classroom driver
19 education instructor. Currently, only persons holding a
20 teaching license with an endorsement to teach driver education
21 may qualify to be a classroom driver education instructor.

22 The term "peace officer" is currently defined in Code
23 section 801.4, subsection 11, to include sheriffs, deputy
24 sheriffs, marshals and police officers of cities, peace officer
25 members of the department of public safety, parole officers,
26 probation officers, special security officers employed by
27 regents institutions, conservation officers, employees of
28 the department of transportation or of an aviation authority
29 designated as "peace officers", and such persons as may be
30 otherwise so designated by law.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate File 274 - Introduced

SENATE FILE 274

BY HATCH, MATHIS, SODDERS,
BEALL, and DOTZLER

A BILL FOR

1 An Act creating a technology prairie by promoting an
2 environment to foster the growth of technology, start-up,
3 and small businesses and to attract a skilled workforce by
4 providing incentives and financial assistance to businesses
5 and certain employees, and including effective date and
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1850SS (5) 85
ad/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

DIVISION I

LEGISLATIVE FINDINGS — PURPOSES

Section 1. LEGISLATIVE FINDINGS — PURPOSES.

1. The general assembly finds all of the following:

a. That small businesses and start-up businesses may not qualify for conventional financing and may lack the resources to expand a business.

b. That the limited availability of a skilled workforce hampers economic growth of small and start-up businesses in the state.

c. That to enhance competitiveness and foster economic development, this state must focus on the technological, cultural, and community environment in order to attract a skilled workforce and improve the economic climate for small businesses throughout the state.

2. The general assembly declares the purposes of this Act to be all of the following:

a. To promote a cultural and community environment which encourages the retention of skilled technology workers in the state and attracts other skilled technology workers to the state.

b. To create incentives and assistance to compete with other markets in attracting a skilled technology workforce.

c. To create incentives and assistance to increase the flow of capital to start-up businesses and small businesses seeking to expand in the state.

d. To promote the advancement of technology in the state to assist small businesses throughout the state.

e. To create a technology prairie which promotes a cultural, technological, community, and economic development environment that fosters the growth of small businesses and start-up companies and attracts a skilled technology workforce.

DIVISION II

EXCITE IOWA GRANT PROGRAM

Sec. 2. NEW SECTION. 303.96 Excite Iowa grant program.

LSB 1850SS (5) 85

-1-

ad/sc

1/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 1. The department of cultural affairs shall establish and
2 administer an excite Iowa grant program. The excite Iowa grant
3 program is established to provide grants to business entities
4 seeking to invest in community economic activities. A grant
5 shall not be awarded to a business entity unless the business
6 can match at least twenty percent of the amount of the grant
7 to be awarded. The matching funds may be from the business
8 entity, private foundations, federal or local government funds,
9 financial institutions, or individuals.

10 2. The grants are to be used by the business to invest in
11 community economic activities. Community economic activities
12 are those activities that promote and assist with the visual
13 arts, music, literature, drama, fine arts, recreation including
14 trails, and other related community activities and events as
15 deemed appropriate by the department.

16 3. In awarding a grant to a business to invest in community
17 economic activities, the department may consider the following:

18 *a.* The business entity's relationship to the community.
19 *b.* The business entity's status as a not-for-profit single
20 management company or other entity.
21 *c.* The location of the community and the need for community
22 economic activity in the community.
23 *d.* The overall geographic diversity of the applicants for
24 grants, including urban and rural communities.
25 *e.* The type of activity in which the business seeks to
26 invest.
27 *f.* Any other information the department deems relevant.

28 4. The department may accept, reject, or defer a business
29 entity's application for a grant under this section.

30 5. A grant awarded under the program to a business entity
31 shall not exceed two hundred fifty thousand dollars.

32 6. The department may enter into an agreement with a
33 business entity selected to receive financial assistance
34 pursuant to this section for purposes of ensuring the program
35 is administered pursuant to the requirements of this section.

LSB 1850SS (5) 85
ad/sc

2/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 7. a. The department may seek the repayment of a grant
2 provided pursuant to this section as provided in paragraph "b".

3 b. If, after receiving a grant from the department pursuant
4 to this section, the business entity fails to use the awarded
5 moneys for the purposes described in subsections 1 and 2, all
6 or a portion of the grant received is subject to immediate
7 repayment to, and recapture by, the department.

8 c. All repayments and recaptures of grants awarded under the
9 program shall be remitted to the department.

10 8. The department shall adopt rules pursuant to chapter 17A
11 as necessary to administer the program.

12 Sec. 3. NEW SECTION. 303.97 **Excite Iowa grant fund.**

13 1. An excite Iowa grant fund is created in the state
14 treasury under the control of the department of cultural
15 affairs and consisting of moneys appropriated by the general
16 assembly and any other moneys available to and obtained or
17 accepted by the department for deposit in the fund.

18 2. The fund shall be used to provide grants under the excite
19 Iowa grant program established in section 303.96.

20 3. Interest payments and repayments and recaptures
21 of moneys provided as grants pursuant to section 303.96,
22 subsection 7, shall be deposited in the fund.

23 4. Moneys in the fund are not subject to section 8.33.
24 Notwithstanding section 12C.7, subsection 2, interest or
25 earnings on moneys in the fund shall be credited to the fund.

26 DIVISION III

27 ENTREPRENEURIAL START-UP BUSINESS INCENTIVES

28 Sec. 4. NEW SECTION. 15E.364 **Definitions.**

29 For purposes of this division, unless the context otherwise
30 requires:

31 1. "Financial institution" means an institution listed
32 in section 422.61, subsection 1, or such other financial
33 institution as defined by the authority for purposes of this
34 section.

35 2. "Program" means the entrepreneur incentives and guarantee

LSB 1850SS (5) 85

-3-

ad/sc

3/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 program.

2 3. "*Qualified business*" means a start-up business in the
3 state that is participating in a guaranteed loan program under
4 the United States small business administration. However,
5 "*qualified business*" does not include businesses engaged
6 primarily in retail sales, real estate, or the provision of
7 health care or other professional services.

8 Sec. 5. NEW SECTION. 15E.365 **Entrepreneur incentives and**
9 **guarantee program.**

10 1. a. The authority shall establish and administer an
11 entrepreneur incentives and guarantee program. The authority,
12 pursuant to agreements with financial institutions, shall
13 provide loan and credit guarantees, or other forms of credit
14 guarantees, for qualified businesses to assure the repayment
15 of loan and credit guarantees or other extensions of credit
16 made to or on behalf of qualified businesses. The authority
17 may provide up to twenty-five percent of the amount of the
18 loan or credit as a guarantee of the loan or credit for a
19 qualified business. The total amount of the loan or credit to
20 be guaranteed shall not exceed one hundred thousand dollars. A
21 loan or credit guarantee provided under this section shall be
22 used in conjunction with a loan or credit guarantee provided by
23 the United States small business administration.

24 b. The authority may purchase insurance to cover defaulted
25 loans or credit meeting the requirements of the program to
26 the extent of the amount of the guarantee provided by the
27 authority. However, the authority shall not in any manner
28 directly or indirectly pledge the credit of the state.

29 2. In administering the program, the authority shall
30 consult and cooperate with financial institutions.
31 Administrative procedures and application procedures, as
32 practicable, shall be responsive to the qualified businesses
33 and shall be consistent with prudent investment and lending
34 practices and criteria.

35 3. The authority shall obtain certification from the United

LSB 1850SS (5) 85
ad/sc

4/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 States small business administration of the small business
2 administration's agreement with the eligible business under
3 one of the small business administration's guaranteed loan
4 programs.

5 Sec. 6. NEW SECTION. 15E.366 Entrepreneur incentives and
6 guarantee fund.

7 1. An entrepreneur incentives and guarantee fund is created
8 and established as a separate and distinct fund in the state
9 treasury under the control of the authority. Moneys in the
10 fund shall be used only for the purposes provided in this
11 section.

12 2. The moneys in the fund are appropriated to the authority
13 to be used for all of the following purposes:

14 a. Payment of claims pursuant to loan and credit guarantee
15 agreements entered into under section 15E.365.

16 b. Payment of administrative costs of the authority for
17 actual and necessary administrative expenses incurred by the
18 authority in administering the program.

19 c. Purchase or buyout of superior or prior liens, mortgages,
20 or security interests against a loan or credit that is the
21 subject of an agreement under section 15E.365.

22 d. Purchase of insurance to cover the default of loans or
23 credit made pursuant to the requirements of the entrepreneur
24 incentives and guarantee program to the extent of the amount
25 guaranteed under section 15E.365.

26 3. Moneys in the entrepreneur incentives and guarantee fund
27 shall consist of all of the following:

28 a. Moneys appropriated by the general assembly for the
29 purposes in subsection 1 and any other moneys available to and
30 obtained or accepted by the authority for deposit in the fund.

31 b. Proceeds from collateral assigned to the authority, fees
32 for guarantees, gifts, and moneys from any grant made to the
33 fund by a federal agency.

34 4. Moneys in the fund are not subject to section 8.33.

35 Notwithstanding section 12C.7, subsection 2, interest or



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 earnings on the moneys in the fund shall be credited to the
2 fund.

3 5. a. The authority shall only use moneys in the
4 entrepreneur incentives and guarantee fund as loan or credit
5 guarantees, and for the purposes provided in subsection 2, and
6 not any other moneys of the authority. During a fiscal year,
7 the authority may pledge an amount not to exceed the total
8 amount appropriated to the fund for the same fiscal year for
9 the purposes of the program.

10 b. The authority shall not in any manner, directly or
11 indirectly, pledge the credit or taxing power of this state
12 or any political subdivision of this state or make debts
13 payable out of any moneys except for those in the entrepreneur
14 incentives and guarantee fund.

15 DIVISION IV

16 SMALL BUSINESS MICROLOAN PROGRAM

17 Sec. 7. NEW SECTION. 15E.25 Small business microloan
18 program.

19 1. The economic development authority shall establish and
20 administer a small business microloan program. The small
21 business microloan program is established to provide loans to
22 local economic organizations to provide microloans to small
23 businesses.

24 2. To receive a loan from the program, the local economic
25 development organization shall demonstrate a dollar-for-dollar
26 fund match. The matching funds may be from a business, private
27 foundations, or individuals.

28 3. A loan awarded under the program to any local economic
29 development organization shall not exceed two hundred fifty
30 thousand dollars.

31 4. In awarding loans to local economic development
32 organizations to provide microloans to small businesses, the
33 authority may consider the following:

34 a. The local economic development organization's
35 relationship to the community.

LSB 1850SS (5) 85
ad/sc

-6-

6/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 *b.* The local economic development organization's ability to
2 provide accounting and audits of the microloans.
3 *c.* The location of the local economic development
4 organization.
5 *d.* The overall geographic diversity of the applicants for
6 loans, including urban and rural communities.
7 *e.* Any other information the authority deems relevant.
8 5. The authority may accept, reject, or defer a local
9 economic development organization's application for funds under
10 this section.
11 6. *a.* The authority shall enter into an agreement with a
12 local economic development organization selected to receive
13 a loan pursuant to this section for purposes of ensuring the
14 program is administered pursuant to the requirements of this
15 section.
16 *b.* Upon repayment of the microloan by the business to
17 the local economic development organization, the authority
18 may require payment of an administrative fee of up to one
19 percent of the microloan to be deposited in the small business
20 microloan program revolving loan fund established in section
21 15E.26.
22 7. *a.* A local economic development organization awarded
23 financial assistance pursuant to this section shall establish
24 a microloan application process and conduct a microloan
25 program for small businesses. A local economic development
26 organization receiving financial assistance pursuant to this
27 section may accept and evaluate, and approve, deny, or defer,
28 applications for financial assistance from small businesses
29 pursuant to the requirements of this section.
30 *b.* A local economic development organization receiving
31 assistance shall only provide a microloan using the loan
32 awarded by the authority pursuant to this section for a new
33 or expanding business in this state which has twenty or fewer
34 employees at the time of the business's application to the
35 local economic development organization.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 *c.* The amount of a microloan awarded by a local economic
2 development organization using the loan awarded by the
3 authority pursuant to this section shall not exceed fifteen
4 thousand dollars to any single business.

5 *d.* The local economic development organization shall conduct
6 an annual audit of the small businesses to which it provided a
7 microloan using funds received pursuant to this section.

8 8. *a.* The authority may seek the recapture of a loan
9 provided pursuant to this section as provided in paragraph "b".

10 *b.* If, after receiving financial assistance from the
11 authority pursuant to this section, the local economic
12 development organization fails to use the moneys for the
13 purposes described in subsections 1 and 7, all or a portion
14 of the financial assistance received is subject to immediate
15 repayment to, or recapture by, the authority.

16 *c.* All payments, repayments, and interest on loans awarded
17 to an economic development organization under the program shall
18 be remitted to the authority.

19 9. The authority shall adopt rules pursuant to chapter 17A
20 as necessary to administer the program.

21 Sec. 8. NEW SECTION. 15E.26 **Small business microloan**
22 **program revolving loan fund.**

23 1. A small business microloan program revolving loan fund
24 is created in the state treasury under the control of the
25 economic development authority. The revolving loan fund shall
26 be administered by the authority and shall consist of moneys
27 appropriated by the general assembly, moneys collected by the
28 authority as fees, and any other moneys obtained or accepted
29 by the authority for deposit in the revolving loan fund. The
30 proceeds of the revolving loan fund are appropriated to the
31 authority and shall be used to provide loans under the small
32 business microloan program established in section 15E.25.

33 2. Payments of interest on loans and repayments or
34 recaptures of moneys provided to an economic development
35 organization shall be deposited in the revolving loan fund.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 3. Moneys in the fund are not subject to section 8.33.
2 Notwithstanding section 12C.7, subsection 2, interest or
3 earnings on moneys in the fund shall be credited to the fund.

4 DIVISION V

5 TECHNOLOGY WORKERS TAX CREDIT PROGRAM

6 Sec. 9. NEW SECTION. 261.114 Technology Workers Tax Credit
7 Program.

8 1. For purposes of this section, unless the context
9 otherwise requires:

10 a. "Commission" means the college student aid commission.

11 b. "Eligible lender" means the same as defined in section
12 261.35.

13 c. "Program" means the technology workers tax credit program
14 established in this section.

15 d. "Program agreement" means an agreement entered into
16 between the commission and a technology worker pursuant to this
17 section.

18 e. "Qualified student debt" means the maximum amount of
19 an eligible technology worker's student loan principal as
20 determined pursuant to this section.

21 f. "Technology worker" means a worker employed as a computer
22 and information scientist, systems analyst, computer programmer
23 or developer, or computer professional, or any skilled worker
24 who performs any function related to information technology,
25 including the study, design, development, implementation,
26 support, or management of computer-based information systems.

27 2. The commission shall establish and administer a
28 technology workers tax credit program pursuant to this section.
29 The purpose of the program is to reimburse eligible technology
30 workers, or employers of such workers, for the amount of
31 qualified student debt borrowed and repaid in order to attend a
32 postsecondary institution.

33 3. The commission shall coordinate with postsecondary
34 institutions, technology workers, eligible lenders, and the
35 department of revenue in the administration of this program.

LSB 1850SS (5) 85

-9-

ad/sc

9/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 4. The commission shall enter into a program agreement with
2 an eligible technology worker residing and working in Iowa who
3 wishes to participate in the program. As part of the program
4 agreement, the technology worker shall covenant and agree to
5 the following:

6 a. That the person is or will become an Iowa resident and
7 will remain an Iowa resident for the entirety of each tax year
8 for which the person wishes to claim a tax credit under the
9 program. A person not meeting the residency requirements of
10 this paragraph is not eligible to claim a tax credit.

11 b. That the person was enrolled in a program of study at a
12 postsecondary institution and has qualified student debt.

13 c. To keep all necessary financial and educational records
14 relating to the degree pursued and the qualified student debt
15 incurred for a period of not less than three years after the
16 last tax year in which a tax credit under the program is
17 claimed.

18 d. That only repayment of qualified student debt is eligible
19 to be claimed as a tax credit under the program.

20 e. That any acceleration in the repayment schedule of the
21 qualified student debt will result in a forfeiture of the tax
22 credit in that tax year and all subsequent tax years.

23 f. To refinance the loans comprising qualified student debt
24 only if the loans remain separate from all other debt and if
25 both annual repayments and the total remaining indebtedness
26 under the loan's amortization schedule will be reduced by such
27 refinancing.

28 5. A technology worker shall not enter into more than one
29 program agreement or claim the tax credit available under the
30 program more than once.

31 6. a. After entering into a program agreement with an
32 eligible technology worker, and before a tax credit certificate
33 is issued, the commission shall request the postsecondary
34 institution in which the technology worker was enrolled to
35 verify the technology worker's enrollment at the institution

LSB 1850SS (5) 85
ad/sc

10/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 and to certify to the commission the technology worker's amount
2 of qualified student debt.

3 **b.** The program agreement shall terminate if the commission
4 is unable to verify the technology worker's enrollment at a
5 postsecondary institution or unable to certify the amount of
6 the technology worker's qualified student debt.

7 **7. a.** An eligible technology worker's qualified student
8 debt shall be the total amount of principal borrowed from an
9 eligible lender for purposes of paying the amount of tuition
10 and mandatory fees required in order to obtain a degree from a
11 postsecondary institution.

12 **b.** Only loans included as part of a financial aid package
13 awarded to the eligible technology worker by a postsecondary
14 institution shall be included in the amount of qualified
15 student debt determined pursuant to this subsection.

16 **8.** After verifying whether the technology worker qualifies
17 for the program and after certifying the amount of qualified
18 student debt, the commission shall issue to the technology
19 worker a tax credit certificate which shall contain the
20 technology worker's name, address, tax identification number,
21 the amount of the tax credit, and any other information
22 required by the department of revenue.

23 **9. a. (1)** A technology workers tax credit shall be allowed
24 against the taxes imposed in chapter 422, divisions II, III,
25 and V, and in chapter 432, and against the moneys and credits
26 tax imposed in section 533.329, for the repayment of qualified
27 student debt.

28 **(2)** An individual may claim the tax credit under this
29 section of a partnership, limited liability company, S
30 corporation, estate, or trust electing to have income taxed
31 directly to the individual. The amount claimed by the
32 individual shall be based upon the pro rata share of the
33 individual's earnings from the partnership, limited liability
34 company, S corporation, estate, or trust.

35 **b. (1)** An employer may claim a tax credit under this

LSB 1850SS (5) 85
ad/sc

11/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 section for payments made directly to an eligible lender on
2 behalf of a technology worker who has been issued a tax credit
3 certificate pursuant to this subsection.

4 (2) The employer may claim the tax credit in an amount
5 equal to the payments made by the employer of qualified student
6 debt that came due during the technology worker's period of
7 employment with the employer.

8 (3) The employer may require a person to provide a copy of
9 the program agreement and a copy of the tax credit certificate
10 issued pursuant to this section in order to verify that a
11 person is an eligible technology worker with qualified student
12 debt.

13 (4) The employer claiming a tax credit under the program
14 shall retain all relevant records for at least three tax years
15 following the last tax year in which the tax credit is claimed.

16 c. A technology worker and the technology worker's employer
17 may both claim tax credits for payments of qualified student
18 debt made in the same year, but the same payment of qualified
19 student debt shall not be claimed by more than one taxpayer.

20 d. A technology worker and the technology worker's employer
21 shall receive a credit for the amount of qualified student debt
22 repaid by the employer or technology worker up to a combined
23 amount of one thousand dollars each year for a maximum of five
24 years.

25 e. Any tax credit in excess of the taxpayer's liability
26 for the tax year is not refundable but may be credited to the
27 tax liability for the following five years or until depleted,
28 whichever is earlier. A tax credit shall not be carried back
29 to a tax year prior to the tax year in which the taxpayer first
30 receives the tax credit.

31 f. A technology worker or employer may claim the tax credit
32 only if the technology worker is in compliance with the program
33 agreement, and the technology worker is not in arrears on the
34 repayment schedule for the qualified student debt.

35 10. a. (1) To claim the technology workers tax credit,

LSB 1850SS (5) 85

-12-

ad/sc

12/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 a technology worker shall attach the tax credit certificate
2 issued by the commission to the taxpayer's tax return.

3 (2) To claim the technology workers tax credit for payments
4 made on behalf of a technology worker, a taxpayer shall attach
5 a copy of the tax credit certificate issued to the technology
6 worker along with any information required by the department of
7 revenue pertaining to the payments made to an eligible lender.

8 b. The tax credit certificate attached to the taxpayer's
9 tax return shall expire on or after the last day of the taxable
10 year for which the taxpayer is claiming the tax credit and show
11 a tax credit amount equal to or greater than the tax credit
12 claimed on the taxpayer's tax return.

13 c. The tax credit certificate, unless rescinded by the
14 commission, shall be accepted by the department of revenue as
15 payment for taxes imposed pursuant to chapter 422, divisions
16 II, III, and V, and in chapter 432, and for the moneys and
17 credits tax imposed in 533.329, subject to any conditions or
18 restrictions placed by the commission upon the face of the
19 tax credit certificate and subject to the limitations of this
20 section.

21 11. Except as otherwise provided in this section, a tax
22 credit certificate is not transferable to any person or entity.

23 12. An eligible technology worker who exercises the
24 forbearance or deferment provisions of a student loan agreement
25 that comprises a portion of the technology worker's qualified
26 student debt does not forfeit the right to claim the tax credit
27 available under this section. The department of revenue shall
28 toll the carryforward provisions of subsection 9, paragraph
29 "e", for any worker exercising forbearance or deferment
30 provisions.

31 13. a. The commission, in consultation with the department
32 of revenue, shall adopt rules pursuant to chapter 17A for the
33 implementation and administration of the program.

34 b. The department of revenue, in consultation with the
35 commission, may adopt rules pursuant to chapter 17A for the

LSB 1850SS (5) 85
ad/sc

13/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 implementation and administration of subsections 9 through 12.

2 Sec. 10. NEW SECTION. **422.11R Technology workers tax**
3 **credit.**

4 The taxes imposed under this division, less the credits
5 allowed under section 422.12, shall be reduced by a technology
6 workers tax credit authorized pursuant to section 261.114.

7 Sec. 11. Section 422.33, Code 2013, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 30. The taxes imposed under this division
10 shall be reduced by a technology workers tax credit authorized
11 pursuant to section 261.114.

12 Sec. 12. Section 422.60, Code 2013, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 12. The taxes imposed under this division
15 shall be reduced by a technology workers tax credit authorized
16 pursuant to section 261.114.

17 Sec. 13. NEW SECTION. **432.12N Technology workers tax**
18 **credit.**

19 The taxes imposed under this chapter shall be reduced by a
20 technology workers tax credit authorized pursuant to section
21 261.114.

22 Sec. 14. Section 533.329, subsection 2, Code 2013, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. *k.* The moneys and credits tax imposed under
25 this section shall be reduced by a technology workers tax
26 credit authorized pursuant to section 261.114.

27 Sec. 15. APPLICABILITY. This division of this Act applies
28 to tax years beginning on or after January 1, 2014.

29 DIVISION VI

30 BROADBAND LOAN PROGRAM

31 Sec. 16. NEW SECTION. **15E.367 Broadband loan program.**

32 1. The economic development authority shall establish and
33 administer a broadband loan program to provide low-interest
34 loans to broadband and telecommunications businesses to expand
35 broadband access in the state.

LSB 1850SS (5) 85

-14-

ad/sc

14/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 2. In awarding loans to businesses to invest in expanding
2 broadband access, the authority may consider the following:
3 a. The business's relationship to the community.
4 b. The location of the community and the need for broadband
5 access in the community.
6 c. The overall geographic diversity of the applicants for
7 loans, including urban and rural communities.
8 d. Any other information the authority deems relevant.
9 3. The authority may accept, reject, or defer a business
10 entity's application for funds under this section.
11 4. In awarding financial assistance, the authority shall
12 ensure that businesses that seek to expand broadband access to
13 communities that are underserved or are not served by broadband
14 technology shall receive financial assistance prior to
15 awarding financial assistance to businesses that seek to expand
16 broadband access to communities that have adequate service.
17 5. A loan awarded under the program to any single business
18 entity shall not exceed two hundred fifty thousand dollars.
19 6. The authority shall enter into an agreement with a
20 business entity selected to receive financial assistance
21 pursuant to this section for purposes of ensuring the program
22 is administered pursuant to the requirements of this section.
23 The agreement shall set the loan period and interest rate of
24 the loan.
25 7. a. The authority may seek immediate repayment or
26 recapture of the financial assistance awarded pursuant to this
27 section as provided in paragraph "b".
28 b. If, after receiving financial assistance from the
29 authority pursuant to this section, the business entity
30 fails to use the awarded moneys for the purposes described in
31 subsection 1, all or a portion of the financial assistance
32 received is subject to immediate repayment or recapture.
33 c. All repayments, recaptures, and interest on loans awarded
34 under the program shall be remitted to the authority to be
35 deposited in the broadband loan program fund established in



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 section 15E.368.

2 8. The economic development authority shall have the power
3 to bond as necessary to carry out the purposes of the broadband
4 loan program. The bonds shall be issued in the same manner
5 as, and under the same conditions and restrictions of, section
6 15.106D.

7 Sec. 17. NEW SECTION. 15E.368 **Broadband loan program fund.**

8 1. A broadband loan program fund is created in the state
9 treasury under the control of the economic development
10 authority and consisting of moneys appropriated by the general
11 assembly and any other moneys available to and obtained or
12 accepted by the authority for placement in the fund.

13 2. Payments or repayments of moneys provided, and interest,
14 shall be deposited in the fund.

15 3. The fund shall be used to provide low-interest loans
16 under the broadband loan program established in section
17 15E.367.

18 4. Moneys in the fund are not subject to section 8.33.
19 Notwithstanding section 12C.7, subsection 2, interest or
20 earnings on moneys in the fund shall be credited to the fund.

21 DIVISION VII

22 SALES AND USE TAX COLLECTION ALLOWANCE

23 Sec. 18. NEW SECTION. 423.32A **Collection allowance.**

24 1. Each retailer subject to section 423.31 and each retailer
25 maintaining a place of business in this state subject to
26 section 423.32 may, at the time of making a return required
27 by those sections, take a collection allowance in the form
28 of a credit equal to five percent of the tax due as properly
29 computed on the return.

30 2. The collection allowance in this section shall not apply
31 to any of the following:

32 a. A person who files a return under section 423.31 pursuant
33 to a direct pay tax permit authorized under section 423.36,
34 subsection 8.

35 b. Tax due as a result of the retailer's own purchase or use

LSB 1850SS (5) 85

-16-

ad/sc

16/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 of tangible personal property or enumerated services.

2 c. A return that is not timely filed or for which the tax
3 is not timely remitted.

4 3. The collection allowance in this section shall not exceed
5 fifty dollars per retailer per calendar year. For purposes of
6 this section, an affiliated group as defined in section 422.32
7 or a retailer operating multiple places of business shall be
8 considered one retailer, regardless of whether or not such
9 retailer files a consolidated return.

10 Sec. 19. Section 423.49, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 11. a. In addition to any other
13 monetary allowance provided under the agreement, each seller
14 registered under the agreement and filing a return pursuant
15 to this section may, at the time of making the return, take
16 a collection allowance in the form of a credit equal to five
17 percent of the tax due as properly computed on the return.

18 b. The collection allowance in this subsection shall not
19 apply to any of the following:

20 (1) Tax due as a result of the purchase or use of tangible
21 personal property or enumerated services by the seller
22 registered under the agreement.

23 (2) A return that is not timely filed or for which the tax
24 is not timely remitted.

25 c. The collection allowance in this subsection shall
26 not exceed fifty dollars per seller registered under the
27 agreement per calendar year. For purposes of this subsection,
28 an affiliated group as defined in section 422.32 or a seller
29 operating multiple places of business shall be considered one
30 seller registered under the agreement, regardless of whether or
31 not such seller files a consolidated return.

32 Sec. 20. EFFECTIVE DATE. This division of this Act takes
33 effect January 1, 2014.

34 Sec. 21. APPLICABILITY. This division of this Act applies
35 to returns filed for calendar years beginning on or after

LSB 1850SS (5) 85
ad/sc

17/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 January 1, 2014.

2 EXPLANATION

3 This bill relates to the establishment of programs to
4 provide financial and community incentives and financial
5 assistance to businesses in the state and certain employees.

6 Division I provides the legislative findings and establishes
7 the purposes of the bill.

8 Division II of the bill requires the department of cultural
9 affairs (DCA) to establish an excite Iowa grant program
10 and establishes an excite Iowa grant program fund under the
11 department's control for the purpose of providing grants to
12 business entities seeking to invest in community economic
13 activities, as defined in the bill.

14 To receive an excite Iowa grant, a business entity must match
15 at least 20 percent of the amount of the grant with funds from
16 the business, private foundations, federal or local government
17 funds, financial institutions, or individuals. A grant awarded
18 under the program may not exceed \$250,000.

19 The bill allows DCA to consider the business's relationship
20 with the community, the business's management status, the
21 location of the community in which the business seeks to
22 invest, the geographic diversity of the applicants, the type
23 of activity in which the business seeks to invest, and other
24 information DCA deems relevant in awarding the grants.

25 The bill authorizes DCA to enter into an agreement with a
26 business selected to receive financial assistance to ensure
27 compliance with the program requirements. The bill allows DCA
28 to seek repayments or recaptures of all or a portion of grant
29 moneys if the business entity receiving the grant fails to use
30 the awarded moneys to invest in a community economic activity.

31 The bill requires DCA to adopt rules to administer the
32 program.

33 Division III of the bill requires the economic development
34 authority (authority) to establish and administer an
35 entrepreneur incentives and guarantee program to provide loan

LSB 1850SS (5) 85
ad/sc

18/24

-18-



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 and credit guarantees for qualified businesses. The bill
2 provides that a "qualified business" means a start-up business
3 in the state that has entered into a guaranteed loan program
4 under the United States small business administration (SBA),
5 but does not include businesses engaged primarily in retail
6 sales, real estate, or the provision of health care or other
7 professional services.

8 The bill allows the authority to invest up to 25 percent
9 of the amount of the loan or credit as a loan or credit
10 guarantee for a qualified business. The amount of the loan
11 or credit for which the authority provides a guarantee shall
12 not exceed \$100,000. The loan or credit guarantee provided by
13 the authority is to be used in conjunction with a guarantee
14 provided by the SBA.

15 The bill authorizes the authority to purchase insurance to
16 cover defaulted loans meeting the requirements of the program,
17 but states that the authority shall not directly or indirectly
18 pledge the credit of the state.

19 The bill also establishes an entrepreneur incentives and
20 guarantee fund under the control of the authority. The moneys
21 in the fund are to be used to pay claims of the loan and credit
22 guarantee agreements, pay administrative costs of the authority
23 in administering the program, or purchase or buy out superior
24 or prior liens, mortgages, or security interests on a loan or
25 credit that is the subject of an agreement.

26 The bill provides that the authority may only pledge moneys
27 in the entrepreneur incentives and guarantee fund and not any
28 other moneys of the authority. Additionally, the authority
29 may not pledge an amount during a fiscal year that exceeds the
30 total amount appropriated to the fund for that fiscal year to
31 assure the repayment of loan and credit guarantees made to or
32 on behalf of qualified businesses.

33 Division IV of the bill requires the economic development
34 authority to establish and administer a small business
35 microloan program and revolving loan fund to provide loans to

LSB 1850SS (5) 85
ad/sc

19/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 local economic development organizations to provide microloans
2 to small businesses.

3 The bill requires a local economic development organization
4 to demonstrate a dollar-for-dollar match to receive assistance
5 under the program. The bill provides that the maximum amount
6 of a loan to any single economic development organization may
7 not exceed \$250,000.

8 The bill requires the authority to consider factors
9 specified in the bill and other information the authority deems
10 relevant when awarding the loans to local economic development
11 organizations.

12 The bill requires the authority to enter into an agreement
13 with the local economic development organization selected to
14 receive financial assistance under the program for purposes
15 of ensuring compliance with the program requirements.
16 The bill also allows the authority to require the local
17 economic development organization to pay up to a 1 percent
18 administrative fee upon a small business's repayment of a
19 microloan to the organization for deposit in the small business
20 microloan program revolving fund.

21 The bill requires the local economic development
22 organization receiving financial assistance under the program
23 to establish a microloan application process and conduct a
24 microloan program for small businesses. The local economic
25 development organization may only use the financial assistance
26 received pursuant to the program to provide a microloan for
27 a new or expanding business in the state which has 20 or
28 fewer employees at the time of the business's application
29 for a microloan. A microloan awarded by the local economic
30 development organization using financial assistance from the
31 program may not exceed \$15,000 to any single business. The
32 bill requires the local economic development organization to
33 conduct an audit of the small businesses to which it provided a
34 microloan.

35 Financial assistance awarded under the program is subject

LSB 1850SS (5) 85
ad/sc

20/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 to immediate repayment or recapture if the local economic
2 development organization fails to use the financial assistance
3 for the program's intended purposes.

4 Division V of the bill provides for the establishment of a
5 technology workers tax credit program to be administered by the
6 college student aid commission and the department of revenue.

7 The purpose of the program is to provide a tax credit to
8 eligible technology workers or to provide a tax credit to
9 an eligible technology worker's employer for payments made
10 toward the qualified student debt. For purposes of the bill,
11 "qualified student debt" is the total amount of principal
12 borrowed by the eligible technology worker to attend a
13 postsecondary institution. Only those loans included as part
14 of an eligible technology worker's financial aid package from
15 a postsecondary institution may be included in the amount of
16 qualified student debt.

17 To be eligible for the program, a technology worker must be
18 or become an Iowa resident and remain an Iowa resident for the
19 entirety of any tax year in which the technology worker seeks
20 to claim the tax credit available under the program. The bill
21 defines a "technology worker" for purposes of the bill as a
22 worker who is employed as a computer and information scientist,
23 systems analyst, computer programmer or developer, or computer
24 professional, or any skilled worker who performs any function
25 related to information technology, including the study,
26 design, development, implementation, support, or management of
27 computer-based information systems. The eligible technology
28 worker must enter into an agreement with the college student
29 aid commission.

30 The commission is required to coordinate with postsecondary
31 institutions, technology workers, eligible lenders, and the
32 department of revenue in the administration of the program.
33 Upon entering into a program agreement, the commission must
34 request information from the postsecondary institution in
35 which the technology worker was enrolled in order to verify

LSB 1850SS (5) 85
ad/sc

21/24

-21-



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 that the technology worker was enrolled at the institution
2 and to certify the amount of qualified student debt. Upon
3 receiving this information, the commission must issue a tax
4 credit certificate to an eligible technology worker. If the
5 commission is unable to verify or certify the information, the
6 agreement is terminated.

7 The technology worker may claim the repayment of qualified
8 student debt as a credit against state income taxes and may
9 carry the credit forward for up to five years. A technology
10 worker and the technology worker's employer may receive a
11 combined maximum tax credit amount of \$1,000 a year for up to
12 five years.

13 An employer may claim the portion of the credit for payments
14 made directly to eligible lenders on the technology worker's
15 behalf to the extent that such payments are due under the terms
16 of the loan during the eligible technology worker's period of
17 employment with that employer. The credit is not refundable
18 or transferable and may not be carried back to prior tax years
19 but may be carried forward for the earlier of five years or
20 until depleted. The credit is only available if the technology
21 worker is in compliance with the agreement entered into with
22 the college student aid commission, and is not in arrears on
23 the repayment schedule for the qualified student debt.

24 The bill provides for rulemaking by both the college
25 student aid commission and the department of revenue for the
26 administration of the program.

27 Division V of the bill applies to tax years beginning on or
28 after January 1, 2014.

29 Division VI of the bill requires the economic development
30 authority to establish and administer a broadband loan
31 program to provide low-interest loans to broadband and
32 telecommunications businesses to expand broadband access in the
33 state.

34 When determining whether to award a loan to a business,
35 the authority may consider factors specified in the bill and

LSB 1850SS (5) 85
ad/sc

22/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 other information the authority deems relevant. When awarding
2 financial assistance, the authority must ensure that businesses
3 seeking to expand broadband access in communities that are
4 underserved or are not served by broadband technology shall
5 receive financial assistance prior to awarding assistance to
6 businesses seeking to expand broadband access into communities
7 that have adequate service.

8 The bill provides that a loan awarded under the program to
9 any single business entity may not exceed \$250,000.

10 The bill requires the authority to enter into an agreement
11 with business entities selected to receive assistance under the
12 program to ensure compliance with the program's requirements.
13 The agreement must also set the loan period and the interest
14 rate of the loan.

15 The bill authorizes the authority to seek immediate
16 repayment or recapture of a loan awarded pursuant to the
17 program if the business entity fails to use the loan moneys
18 to expand broadband access in the state. All payments,
19 repayments, or recaptures, and interest on loans awarded under
20 the program must be remitted to the authority for deposit in
21 the broadband loan program fund. The bill authorizes the
22 authority to use its bonding power as necessary to carry out
23 the purpose of the broadband loan program.

24 The bill also establishes a broadband loan program fund
25 under the control of the authority. This fund is to be used to
26 provide low-interest loans under the broadband loan program.

27 Division VII of the bill provides a collection allowance
28 to retailers who collect and remit sales and use tax and file
29 sales and use tax returns.

30 Every retailer required to file a sales or use tax return
31 pursuant to Code section 423.31 or 423.32 is allowed to take
32 on the tax return a collection allowance in the form of a
33 credit equal to 5 percent of the tax due, not to exceed \$50 per
34 retailer per calendar year. For purposes of the collection
35 allowance, an affiliated group or a retailer operating multiple

LSB 1850SS (5) 85
ad/sc

23/24



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 274

1 places of business shall be considered one retailer, regardless
2 of whether or not the retailer files a consolidated return.
3 The collection allowance does not apply to a person who files a
4 sales tax return pursuant to a direct pay tax permit authorized
5 under Code section 423.36, any tax due resulting from the
6 retailer's own purchase or use of taxable goods or services, or
7 a return that is not timely filed or for which the tax is not
8 timely remitted. The collection allowance is also available
9 to sellers who are registered under, and who file tax returns
10 pursuant to, the streamlined sales and use tax agreement.
11 Division VII of the bill takes effect on January 1, 2014,
12 and applies to returns filed for calendar years beginning on
13 or after that date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate File 275 - Introduced

SENATE FILE 275
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO SSB 1120)

A BILL FOR

1 An Act creating the manufactured housing program fund.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1851SV (1) 85
av/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 275

1 Section 1. NEW SECTION. 16.100B Manufactured housing
2 program fund.

3 1. A manufactured housing program fund is created within the
4 authority to further the goal of providing affordable housing
5 to Iowans. The moneys in the fund are annually appropriated to
6 the authority for the purpose of providing funding to financing
7 agents or financial institutions to finance the purchase by
8 an individual of a manufactured home that is in compliance
9 with all laws, rules, and standards that are applicable to
10 manufactured homes and manufactured housing.

11 2. Moneys received by the authority for the manufactured
12 housing program fund, transferred by the authority for deposit
13 in the fund, appropriated to the fund, and any other moneys
14 available to and obtained or accepted by the authority for
15 placement in the fund shall be deposited in the fund and are
16 appropriated to the authority to be used as set forth in
17 this section. Additionally, recapture of awards and other
18 repayments to the fund shall be deposited in the fund and
19 are appropriated to the authority to be used as set forth in
20 this section. Notwithstanding section 8.33, unencumbered or
21 unobligated moneys remaining in the fund on June 30 of any
22 fiscal year shall not revert to any other fund but shall be
23 available for expenditure in subsequent years. Notwithstanding
24 section 12C.7, interest or earnings on moneys in the fund or
25 appropriated to the fund shall be credited to the fund.

26 3. The authority shall allocate moneys available in the
27 manufactured housing program fund to financing agents or
28 financial institutions to be used as set forth in subsection
29 1. The authority may provide funding to a financing agent or
30 financial institution in the form of loans, linked deposits,
31 guarantees, reserve funds, or any other prudent financial
32 instruments.

33 4. The authority shall adopt rules pursuant to chapter
34 17A including but not limited to eligibility requirements for
35 financing agents or financial institutions to receive funding

LSB 1851SV (1) 85
av/sc

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 275

1 through the manufactured housing program fund and any other
2 rules necessary to implement and administer this section.

3 5. For purposes of this section, "*manufactured home*" or
4 "*manufactured housing*" means the same as defined in section
5 435.1.

6 EXPLANATION

7 This bill creates the manufactured housing program fund
8 within the Iowa finance authority to further the goal of
9 providing affordable housing to Iowans. The moneys in the fund
10 are annually appropriated to the authority for the purpose of
11 providing funding to financing agents or financial institutions
12 to finance the purchase by an individual of a manufactured
13 home that is in compliance with all applicable laws, rules,
14 and standards that are applicable to manufactured homes and
15 manufactured housing.

16 The authority is required to allocate the moneys in the fund
17 to financing agents and financial institutions to meet the
18 purposes set forth in the bill and may provide funding in the
19 form of loans, linked deposits, guarantees, reserve funds, or
20 any other prudent financial instruments.

21 The authority is required to adopt rules that include but
22 are not limited to eligibility requirements for financing
23 agents and financial institutions to receive funding, and any
24 other rules that are necessary to implement and administer the
25 provisions of the bill.

26 For purposes of the bill, "*manufactured home*" or
27 "*manufactured housing*" means a factory-built structure
28 constructed under authority of 42 U.S.C. § 5403, that is
29 required by federal law to display a seal from the United
30 States department of housing and urban development, and was
31 constructed on or after June 15, 1976.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate File 276 - Introduced

SENATE FILE 276

BY SORENSON, BERTRAND, GUTH,
ZAUN, GREINER, and BOETTGER

A BILL FOR

1 An Act relating to the use of an unmanned aircraft system by a
2 state or local law enforcement agency.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2214XS (4) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 276

1 Section 1. NEW SECTION. 80C.1 Use of unmanned aircraft
2 system — prohibition.

3 1. A state agency or an agency of a political subdivision
4 of the state having jurisdiction over criminal law enforcement
5 shall not utilize an unmanned aircraft system prior to July 1,
6 2015.

7 2. Notwithstanding subsection 1, an unmanned aircraft
8 system may be deployed prior to July 1, 2015, under the
9 following circumstances:

10 a. During the occurrence of a disaster as defined in section
11 29C.2.

12 b. When an amber alert has been issued.

13 c. During a search and rescue operation if deployment is
14 necessary to protect life, health, or property.

15 3. Under no circumstances shall a weaponized unmanned
16 aircraft system be deployed by or its use facilitated by an
17 agency of the state or an agency of a political subdivision of
18 the state with jurisdiction over criminal law enforcement.

19 EXPLANATION

20 This bill relates to the use of an unmanned aircraft system,
21 also known as a drone, by a state or local law enforcement
22 agency.

23 The bill prohibits a state or local law enforcement agency
24 from using a drone prior to July 1, 2015.

25 The bill does permit the use of a drone by a state or
26 local law enforcement agency prior to July 1, 2015, under the
27 following circumstances: during the occurrence of a disaster
28 as defined in Code section 29C.2; when an amber alert has been
29 issued; and during a search and rescue operation.

30 The bill prohibits a state or local law enforcement agency
31 from using or facilitating the use of a weaponized drone under
32 any circumstances.

LSB 2214XS (4) 85

-1-

jm/nh

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate File 277 - Introduced

SENATE FILE 277

BY SORENSON, GUTH, ZAUN,
BOETTGER, and ERNST

A BILL FOR

1 An Act relating to an exemption to the compulsory education
2 and competent private instruction provisions for certain
3 persons.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2376XS (3) 85
kh/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 277

1 Section 1. Section 299.2, subsection 6, Code 2013, is
2 amended to read as follows:

3 6. Who is exempted under section 299.24 or 299A.1.

4 Sec. 2. Section 299A.1, unnumbered paragraph 1, Code 2013,
5 is amended to read as follows:

6 The parent, guardian, or legal custodian of a child of
7 compulsory attendance age who places the child under private
8 instruction shall provide, unless otherwise exempted, competent
9 private instruction in accordance with this chapter. A
10 parent, guardian, or legal custodian of a child of compulsory
11 attendance age who places the child under private instruction
12 which is not competent private instruction, ~~or otherwise~~
13 ~~fails to comply with the requirements of~~ and does not enroll
14 the child in a public school for dual enrollment purposes or
15 in a home school assistance program in accordance with this
16 chapter, is subject to exempt from the provisions requirements
17 ~~of sections 299.1 through 299.4 and the penalties provided in~~
18 ~~section 299.6 chapter 299 and this chapter.~~

19 EXPLANATION

20 This bill establishes an exemption from the compulsory
21 education provisions of Code chapter 299 and the competent
22 private instruction provisions of Code chapter 299A for
23 persons who place their child under private instruction but do
24 not enroll the child in a public school for dual enrollment
25 purposes or in a home school assistance program.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate File 278 - Introduced

SENATE FILE 278

BY ERNST

(COMPANION TO LSB 1858HH BY
DOLECHECK)

A BILL FOR

1 An Act relating to the assessment of certain real estate used
2 in the cultivation and production of algae, and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1858XS (3) 85
da/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 278

1 Section 1. Section 427A.1, subsection 4, Code 2013, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. It is a photobioreactor used in the
4 production of algae for harvesting as a crop for animal feed,
5 food, nutritionals, or biofuel production.

6 Sec. 2. Section 441.21, subsection 12, Code 2013, is amended
7 to read as follows:

8 ~~12. Beginning with valuations established on or after~~
9 ~~January 1, 2002, as~~ As used in this section, unless the context
10 otherwise requires, "agricultural property" includes the all of
11 the following:

12 a. Beginning with valuations established on or after January
13 1, 2002, the real estate of a vineyard and buildings used in
14 connection with the vineyard, including any building used for
15 processing wine if such building is located on the same parcel
16 as the vineyard.

17 b. Beginning with valuations established on or after January
18 1, 2013, real estate used directly in the cultivation and
19 production of algae for harvesting as a crop for animal feed,
20 food, nutritionals, or biofuel production. The real estate
21 must be an enclosed pond or land containing a photobioreactor.

22 Sec. 3. RETROACTIVE APPLICABILITY. This division of this
23 Act applies retroactively to January 1, 2013, for assessment
24 years beginning on or after that date.

25 Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this
26 Act, being deemed of immediate importance, takes effect upon
27 enactment.

28 EXPLANATION

29 This bill provides that, for purposes of property taxation,
30 agricultural property includes the real estate which is
31 used directly in the cultivation and production of algae for
32 harvesting as a crop for animal feed, food, nutritionals, or
33 biofuel production. The real estate must be an enclosed pond
34 or must be land containing machinery or equipment that uses
35 a light source to provide photonic energy, referred to as a

LSB 1858XS (3) 85

-1-

da/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. 278

1 photobioreactor.

2 The bill takes effect upon enactment and applies
3 retroactively to assessment years beginning on or after January
4 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate Joint Resolution 6 - Introduced

SENATE JOINT RESOLUTION 6
BY ZAUN

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to provide home rule for school
3 districts.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1889XS (3) 85
kh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.J.R. 6

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is hereby proposed:

3 Article III, legislative department, Constitution of the
4 State of Iowa, is hereby amended by adding the following new
5 section:

6 **School district home rule.** SEC. 39B. School districts are
7 granted home rule power and authority, not inconsistent with
8 the laws of the general assembly, to determine their local
9 affairs and government, except that they shall not have power
10 to levy any tax unless expressly authorized by the general
11 assembly.

12 If the power or authority of a school district conflicts with
13 the power and authority of a municipal corporation, county,
14 or joint county-municipal corporation government, the power
15 and authority exercised by a municipal corporation, county, or
16 joint county-municipal corporation government shall prevail
17 within the jurisdiction of the municipal corporation, county,
18 or joint county-municipal corporation government.

19 The rule or proposition of law that a school district
20 possesses and can exercise only those powers granted in express
21 words is not a part of the law of this state.

22 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
23 amendment to the Constitution of the State of Iowa is hereby
24 referred to the general assembly to be chosen at the next
25 general election for members of the general assembly, and the
26 secretary of state is directed to cause the proposed amendment
27 to be published for three consecutive months previous to the
28 date of that election as provided by law.

29 EXPLANATION

30 This joint resolution proposes an amendment to the
31 Constitution of the State of Iowa to provide home rule
32 powers and authority for school districts. The home rule
33 powers cannot be inconsistent with state law and the power
34 to tax is limited to those taxes expressly authorized by the
35 general assembly. If the power or authority of a school

LSB 1889XS (3) 85

-1-

kh/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.J.R. 6

1 district conflicts with the power and authority of a municipal
2 corporation, county, or joint county-municipal corporation
3 government, the power and authority exercised by a municipal
4 corporation, county, or joint county-municipal corporation
5 government shall prevail within the jurisdiction of the
6 municipal corporation, county, or joint county-municipal
7 corporation government.

8 The resolution, if adopted, would be referred to the next
9 general assembly before being submitted to the electorate for
10 ratification.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate Study Bill 1212 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to licensure of professionals practicing
2 addiction counseling or providing addiction prevention
3 services by the behavioral science board, making penalties
4 applicable, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2144SC (3) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 Section 1. Section 147.1, subsections 3 and 6, Code 2013,
2 are amended to read as follows:

3 3. *"Licensed"* or *"certified"*, when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, orthotist,
10 prosthetist, pedorthist, respiratory care practitioner,
11 practitioner of cosmetology arts and sciences, practitioner
12 of barbering, funeral director, dietitian, marital and
13 family therapist, mental health counselor, social worker,
14 addiction counselor, advanced addiction counselor, addiction
15 prevention professional, massage therapist, athletic trainer,
16 acupuncturist, nursing home administrator, hearing aid
17 dispenser, or sign language interpreter or transliterator means
18 a person licensed under this subtitle.

19 6. *"Profession"* means medicine and surgery, podiatry,
20 osteopathic medicine and surgery, practice as a physician
21 assistant, psychology, chiropractic, nursing, dentistry,
22 dental hygiene, dental assisting, optometry, speech pathology,
23 audiology, pharmacy, physical therapy, physical therapist
24 assisting, occupational therapy, occupational therapy
25 assisting, respiratory care, cosmetology arts and sciences,
26 barbering, mortuary science, marital and family therapy, mental
27 health counseling, social work, addiction counseling, addiction
28 prevention services, dietetics, massage therapy, athletic
29 training, acupuncture, nursing home administration, hearing
30 aid dispensing, sign language interpreting or transliterating,
31 orthotics, prosthetics, or pedorthics.

32 Sec. 2. Section 147.2, subsection 1, Code 2013, is amended
33 to read as follows:

34 1. A person shall not engage in the practice of medicine
35 and surgery, podiatry, osteopathic medicine and surgery,

LSB 2144SC (3) 85
ad/nh

-1-

1/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 psychology, chiropractic, physical therapy, physical
2 therapist assisting, nursing, dentistry, dental hygiene,
3 dental assisting, optometry, speech pathology, audiology,
4 occupational therapy, occupational therapy assisting,
5 orthotics, prosthetics, pedorthics, respiratory care,
6 pharmacy, cosmetology arts and sciences, barbering, social
7 work, dietetics, marital and family therapy or mental health
8 counseling, addiction counseling or addiction prevention
9 services, massage therapy, mortuary science, athletic
10 training, acupuncture, nursing home administration, hearing aid
11 dispensing, or sign language interpreting or transliterating,
12 or shall not practice as a physician assistant, unless the
13 person has obtained a license for that purpose from the board
14 for the profession.

15 Sec. 3. Section 147.13, subsection 16, Code 2013, is amended
16 to read as follows:

17 16. For marital and family therapy, ~~and~~ mental health
18 counseling, addiction counseling, and addiction prevention
19 services, the board of behavioral science.

20 Sec. 4. Section 147.14, subsection 1, paragraph m, Code
21 2013, is amended to read as follows:

22 *m.* For behavioral science, three members licensed to
23 practice marital and family therapy, all of whom shall be
24 practicing marital and family therapists; three members
25 licensed to practice mental health counseling, one of whom
26 shall be employed in graduate teaching, training, or research
27 in mental health counseling and two of whom shall be practicing
28 mental health counselors; one member licensed to practice
29 addiction counseling; one member licensed to practice advanced
30 addiction counseling; one member licensed to practice as an
31 addiction prevention professional; and three members who
32 are not licensed to practice marital and family therapy, ~~or~~
33 mental health counseling, addiction counseling, or addiction
34 prevention services and who shall represent the general public.

35 Sec. 5. Section 147.74, Code 2013, is amended by adding the

LSB 2144SC (3) 85
ad/nh

2/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 following new subsection:

2 NEW SUBSECTION. 23A. An addiction counselor licensed
3 under chapter 154D may use the words "licensed addiction
4 counselor" after the person's name or signify the same by
5 the use of the letters "L.A.C." after the person's name. An
6 advanced addiction counselor licensed under chapter 154D may
7 use the words "licensed advanced addiction counselor" after the
8 person's name or signify the same by the use of the letters
9 "L.A.A.C." after the person's name. An addiction prevention
10 professional licensed under chapter 154D may use the words
11 "licensed addiction prevention professional" after the person's
12 name or signify the same by the use of the letters "L.A.P.P."
13 after the person's name.

14 Sec. 6. Section 154D.1, Code 2013, is amended by adding the
15 following new subsections:

16 NEW SUBSECTION. 01. "*Addiction counseling*" means counseling
17 of persons with substance use disorders which consists of
18 the application of general counseling theories and treatment
19 methods adopted with the express purpose of treating alcohol
20 and drug problems.

21 NEW SUBSECTION. 001. "*Addiction prevention services*" means
22 services that implement strategies and activities that have
23 been shown to increase protective factors, prevent high-risk
24 behaviors, and effectively reduce rates of substance abuse and
25 addiction.

26 NEW SUBSECTION. 1A. "*Endorsement*" means a person has
27 demonstrated knowledge, skill, and competency in working in
28 a subspecialty within the addiction counseling or addiction
29 prevention services field. A person must pass an exam approved
30 by the board as well as meet all other experiential and
31 educational requirements required by the board to receive an
32 endorsement.

33 NEW SUBSECTION. 1B. "*Licensed addiction counselor*" means
34 a person licensed to practice addiction counseling under
35 supervision pursuant to this chapter.

LSB 2144SC (3) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 NEW SUBSECTION. 1C. "*Licensed addiction prevention*
2 *professional*" means a person licensed to provide addiction
3 prevention services pursuant to this chapter.
4 NEW SUBSECTION. 1D. "*Licensed advanced addiction counselor*"
5 means a person licensed to practice addiction counseling
6 pursuant to this chapter.
7 Sec. 7. Section 154D.1, subsection 4, Code 2013, is amended
8 to read as follows:
9 4. "*Licensee*" includes a licensed addiction counselor,
10 licensed advanced addiction counselor, licensed addiction
11 prevention professional, licensed marital and family therapist,
12 and a licensed mental health counselor.
13 Sec. 8. NEW SECTION. 154D.2A **Licensure — addiction**
14 **counseling and prevention services.**
15 1. An applicant for a license to practice addiction
16 counseling shall be granted a license by the board if the
17 applicant satisfies all of the following requirements:
18 a. Possesses a bachelor's degree in addictions or a
19 counseling-related area from an accredited educational
20 institution or from a program approved by the board.
21 b. Possesses the required years of supervised clinical
22 experience or its equivalent as approved by the board.
23 c. Passes an examination approved by the board.
24 2. An applicant for a license to practice advanced addiction
25 counseling shall be granted a license by the board if the
26 applicant satisfies all of the following requirements:
27 a. Possesses a master's degree in addictions or a
28 counseling-related area from an accredited educational
29 institution or from a program approved by the board.
30 b. Possesses the required years of supervised clinical
31 experience or its equivalent as approved by the board.
32 c. Passes an examination approved by the board.
33 3. An applicant for a license to provide addiction
34 prevention services shall be granted a license by the board if
35 the applicant satisfies all of the following requirements:

LSB 2144SC (3) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 a. Possesses a bachelor's degree in a prevention-related
2 field from an accredited educational institution or from a
3 program approved by the board.

4 b. Possesses the required years of supervised clinical
5 experience or its equivalent as approved by the board.

6 c. Passes an examination approved by the board.

7 Sec. 9. Section 154D.3, subsection 1, Code 2013, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. f. Standards for supervision of licensees
10 requiring direct or other supervision.

11 Sec. 10. Section 154D.4, subsection 1, Code 2013, is amended
12 to read as follows:

13 1. This chapter and chapter 147 do not prevent qualified
14 members of other professions, including but not limited to
15 nurses, psychologists, social workers, physicians, physician
16 assistants, attorneys at law, or members of the clergy, from
17 providing or advertising that they provide services of a
18 marital and family therapy or mental health counseling nature
19 or which involve addiction counseling or related addiction
20 prevention services consistent with the accepted standards of
21 their respective professions, but these persons shall not use a
22 title or description denoting that they are licensed marital
23 and family therapists, ~~or~~ licensed mental health counselors,
24 licensed addiction counselors, licensed advanced addiction
25 counselors, or licensed addiction prevention professionals.

26 Sec. 11. Section 154D.4, subsection 2, paragraphs a and b,
27 Code 2013, are amended to read as follows:

28 a. Students whose activities are conducted within a course
29 of professional education in marital and family therapy, ~~or~~
30 mental health counseling, addiction counseling, or addiction
31 prevention services.

32 b. A person who practices marital and family therapy, ~~or~~
33 mental health counseling, addiction counseling, or addiction
34 prevention services under the supervision of a person licensed
35 under this chapter as part of a clinical experience as



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 described in section 154D.2, subsection 2, or section 154D.2A.

2 Sec. 12. Section 154D.5, Code 2013, is amended to read as
3 follows:

4 **154D.5 Sexual conduct with client.**

5 The license of a marital and family therapist, ~~or~~ a mental
6 health counselor, an addiction counselor, an advanced addiction
7 counselor, or an addiction prevention professional shall be
8 revoked if the board finds that the licensee engaged in sexual
9 activity with a client as determined by board rule. The
10 revocation shall be in addition to any other penalties provided
11 by law.

12 Sec. 13. NEW SECTION. **154D.8 Temporary license — addiction**
13 **counseling — addiction prevention services — fees.**

14 A person who has fulfilled all of the applicable
15 requirements for licensure under section 154D.2A, except for
16 completion of the postgraduate supervised clinical experience
17 requirement as determined by the board by rule, may apply
18 to the board for a temporary license. A temporary license
19 shall be designated "licensed addiction counselor — temporary"
20 or "licensed addiction prevention professional — temporary"
21 and shall authorize the licensee to practice addiction
22 counseling or to provide addiction prevention services under
23 the supervision of a qualified supervisor as determined by the
24 board by rule. The license shall be valid for three years and
25 may be renewed at the discretion of the board. The fee for
26 a temporary license shall be set by the board to cover the
27 administrative cost of issuing the license and, if renewed, a
28 renewal fee as set by the board shall be required.

29 Sec. 14. NEW SECTION. **154D.9 Endorsements.**

30 A person licensed as an addiction counselor, advanced
31 addiction counselor, or addiction prevention professional under
32 this chapter may be granted an endorsement by the board when
33 the licensee satisfies all of the following:

- 34 1. Possesses a current and valid license under this chapter.
35 2. Possesses all educational and experiential requirements

LSB 2144SC (3) 85
ad/nh

6/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 adopted by the board.

2 3. Passes an examination approved by the board.

3 Sec. 15. TRANSITION PROVISIONS.

4 1. Notwithstanding sections 147.14 and 147.16, the governor
5 may appoint to the board of behavioral science pursuant to
6 section 147.14, subsection 1, paragraph "m", as amended by this
7 Act, subject to confirmation by the senate, in lieu of the one
8 member licensed to practice addiction counseling, one member
9 licensed to practice advanced addiction counseling, one member
10 licensed to practice as an addiction prevention professional,
11 members with experience and expertise that is substantially
12 equivalent to the professional requirements for addiction
13 counselors, advanced addiction counselors, and addiction
14 prevention professionals, as applicable.

15 2. An addiction counselor practicing addiction counseling
16 or an addiction prevention professional providing addiction
17 prevention services on or before January 1, 2015, may continue
18 practicing addiction counseling or providing addiction
19 prevention services, as applicable, while completing licensure
20 as required under this Act. The board of behavioral science
21 shall adopt rules to provide a transition process that
22 allows such addiction counselors and addiction prevention
23 professionals to complete the requirements for licensure no
24 later than June 30, 2016.

25 Sec. 16. IMPLEMENTATION. The sections of this Act relating
26 to requirements for licensure of addiction counselors, advanced
27 addiction counselors, and addiction prevention professionals,
28 including sections 154D.2A, 154D.8, and 154D.9, as enacted
29 in this Act; and sections 147.1, 154D.1, 154D.3, 154D.4, and
30 154D.5, as amended in this Act, shall be implemented so the
31 requirements are applicable beginning no later than January 1,
32 2015.

33 Sec. 17. EFFECTIVE UPON ENACTMENT. This Act, being deemed
34 of immediate importance, takes effect upon enactment.

35

EXPLANATION

LSB 2144SC (3) 85
ad/nh

-7-

7/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 This bill provides for the licensing of professionals
2 practicing addiction counseling or providing addiction
3 prevention services. The bill provides definitions relating
4 to the different types of licensure and establishes certain
5 minimum requirements for obtaining a license. The bill also
6 allows a professional practicing addiction counseling or
7 providing addiction prevention services to receive a temporary
8 license.

9 The bill requires the board of behavioral science to
10 regulate professionals practicing in the area of addiction
11 counseling or providing addiction prevention services.
12 The bill also allows the board to grant an endorsement to
13 an addiction counselor, advanced addiction counselor, or
14 an addiction prevention professional when the person has
15 demonstrated knowledge, skill, and competency in working in a
16 subspecialty within the addictions field.

17 The bill makes conforming changes in Code chapter
18 147, regarding the general provisions for health-related
19 professions, and amends the membership of the board of
20 behavioral science to include an addiction counselor, advanced
21 addiction counselor, and an addiction prevention professional.

22 The bill provides transition provisions for the initial
23 appointment of the additional members to the board of
24 behavioral science. The bill also provides transition
25 provisions relating to a phased-in implementation of
26 requirements for licensure for addiction counselors, advanced
27 addiction counselors, and addiction prevention professionals
28 practicing addiction counseling or providing addiction
29 prevention services prior to January 1, 2015.

30 The bill takes effect upon enactment, but provides for
31 implementation by January 1, 2015.

32 The provisions of Code chapters 147 and 272C, including
33 licensing sanctions and a provision in Code section 147.86,
34 that a violation of Code chapter 147 or 154D is a serious
35 misdemeanor, are applicable to addiction counselors, advanced

LSB 2144SC (3) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 addiction counselors, and addiction prevention professionals
2 licensed under Code chapter 154D. A person who is guilty of a
3 serious misdemeanor is subject to a minimum fine of \$315 and a
4 maximum fine of \$1,875. The court may also order imprisonment
5 not to exceed one year.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate Study Bill 1213 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act concerning the categorization and reporting of
2 compensation provided to executive branch employees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1860XC (2) 85
ec/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 Section 1. STATE EMPLOYEE COMPENSATION REPORTING — REPORT.
2 1. The department of administrative services, in
3 coordination with the department of management, shall conduct
4 a study relative to the categorization and reporting of
5 executive branch employee compensation and shall develop an
6 implementation plan based on its findings and recommendations.
7 The study shall consider for implementation a consistent method
8 for classifying and reporting additional remuneration or pay
9 provided an employee in the executive branch that is beyond the
10 employee's base salary and is in the form of a bonus, including
11 but not limited to a retention bonus, recruitment bonus,
12 exceptional job performance pay, extraordinary job performance
13 pay, exceptional performance pay, extraordinary duty pay, or
14 extraordinary or special duty pay, and any extra benefit not
15 otherwise provided to other similarly situated employees.
16 2. The department of administrative services shall, by
17 January 1, 2014, implement the study plan and shall include the
18 enhanced compensation reporting in the annual salary report
19 required under section 8A.341, subsection 2, and provided by
20 the department pursuant to section 8A.111. The department
21 shall submit a report of the study, including its findings
22 and recommendations and implementation plan, to the general
23 assembly by November 1, 2014.

24 EXPLANATION

25 This bill requires the department of administrative
26 services, in coordination with the department of management, to
27 conduct a study relative to the categorization and reporting
28 of executive branch employee compensation and to implement
29 its findings and recommendations by January 1, 2014. The
30 bill requires the department to study for implementation a
31 consistent method for reporting bonus pay received by executive
32 branch employees. The department shall submit a report to
33 the general assembly concerning the results of this study by
34 November 1, 2014.

LSB 1860XC (2) 85
ec/sc

-1-

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate Study Bill 1214 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to estates and trusts and including retroactive
2 and other applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1114XC (7) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 Section 1. NEW SECTION. 633.273A Disposition of failed
2 devise.

3 Unless from the terms of the will the intent is clear and
4 explicit to the contrary, and except as provided in section
5 633.273:

6 1. A devise, other than a residuary devise, that fails for
7 any reason becomes a part of the residuary estate.

8 2. If the residuary estate is devised to two or more
9 persons, the share of a residuary devisee that fails for any
10 reason passes to the other residuary devisee or to the other
11 residuary devisees in proportion to the interest of each in the
12 remaining part of the residuary estate.

13 Sec. 2. Section 633.279, subsection 2, paragraph a, Code
14 2013, is amended by striking the paragraph and inserting in
15 lieu thereof the following:

16 a. An attested will may be made self-proved at the time of
17 its execution, or at any subsequent date, by the acknowledgment
18 thereof by the testator and the affidavits of the witnesses,
19 each made before a person authorized to administer oaths
20 and take acknowledgments under the laws of this state, and
21 evidenced by such person's certificate, under seal, attached
22 or annexed to the will, in form and content substantially as
23 follows:

24 Affidavit

25 State of.....)

26 County of.....) ss

27 We, the undersigned,, and, the
28 testator and the witnesses, respectively, whose names are
29 signed to the attached or foregoing instrument, being first
30 duly sworn, declare to the undersigned authority that at the
31 date of the instrument, we all knew the identity of each other;
32 the instrument was exhibited to the witnesses by the testator,
33 who declared it to be the testator's last will and testament
34 and was signed by the testator or by another at the direction
35 of the testator at, in the County of, State

LSB 1114XC (7) 85

-1-

rh/rj

1/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 of, on the date shown in the instrument, and in the
2 presence of each other as subscribing witnesses; that we, as
3 witnesses, declare to the undersigned authority that in our
4 presence the testator executed and acknowledged such will as
5 the testator's will and that we, in the testator's presence, at
6 the testator's request, and in the presence of each other, did
7 subscribe our names thereto as attesting witnesses on the date
8 of such will; and that the witnesses were sixteen years of age
9 or older.

10

11 Testator

12

13 Witness

14

15 Witness

16

17 Subscribed, sworn and acknowledged before me by, the
18 testator; and subscribed and sworn before me by and
19, witnesses, this ... day of (month), ... (year)
20

21

22 Notary Public, or other notarial
23 officer authorized to take
24 (Stamp) and certify acknowledgments
25 and administer oaths

26 Sec. 3. Section 633.290, Code 2013, is amended to read as
27 follows:

28 **633.290 ~~Petition for probate of will~~ Petitions after death**
29 **of testator.**

30 ~~1. At the time the will of a decedent is filed with the~~
31 ~~clerk, or thereafter,~~ After the death of the testator, any
32 interested person may file a verified petition in the district
33 court of the proper county for any of the following:

34 ~~1- a.~~ a. To have the will admitted to probate~~7.~~

35 ~~2- b.~~ b. For the appointment of the executor.

LSB 1114XC (7) 85

rh/rj

2/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 c. To request a hearing before the will is admitted to
2 probate.
3 d. To request a hearing before the appointment of the
4 executor.
5 e. For the production of the purported will of the decedent
6 to be filed by the person believed by the petitioner to be in
7 possession of the will.
8 2. A petition for probate may be combined with a petition
9 for appointment of the executor, and any person interested
10 in either the probate of a will or in the appointment of
11 the executor, may petition for both Petitions for any of the
12 reasons specified in subsection 1 may be combined.
13 Sec. 4. Section 633.295, Code 2013, is amended to read as
14 follows:
15 **633.295 Testimony of witnesses.**
16 The proof may be made by the oral or written testimony of
17 one or more of the subscribing witnesses to the will. If such
18 testimony is in writing, it shall be substantially in the
19 following form executed and sworn to after the death of the
20 decedent:
21 In the District Court of Iowa
22 In and for County
23 In the Matter of the Estate of
24, Deceased
25 Probate No.
26 Testimony of Subscribing
27 Witness on Probate of Will.
28 State of)
29 County) ss
30 I,, being first duly sworn, state:
31 I reside in the County of, State of; I knew
32 the identity of the testator on the day of (month),
33 ... (year), the date of the instrument, the original or exact
34 reproduction of which is attached hereto, now shown to me,
35 and purporting to be the last will and testament of the said

LSB 1114XC (7) 85
rh/rj

3/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 , deceased; I am one of the subscribing witnesses
2 to said instrument; at the said date of said instrument, I
3 knew the identity of , the other subscribing witness;
4 that said instrument was exhibited to me and to the other
5 subscribing witness by the testator, who declared the same to
6 be the testator's last will and testament, and was signed by
7 the testator at , in the County of , State of
8 , on the date shown in said instrument, in the presence
9 of myself and the other subscribing witness; and the other
10 subscribing witness and I then and there, at the request of the
11 testator, in the presence of said testator and in the presence
12 of each other, subscribed our names thereto as witnesses.

13

14 Name of witness

15

16 Address

17 Subscribed and sworn to before me this ... day of

18 (month), ... (year)

19

.....

20

Notary Public in and for

21 (Stamp)

the State of

22 Sec. 5. Section 633.356, subsection 3, paragraph c, Code
23 2013, is amended to read as follows:

24 c. That the gross value of the decedent's personal property
25 that would otherwise be distributed by will or intestate
26 succession does not exceed twenty-five thousand dollars and
27 there is no real property or the real property passes to
28 persons exempt from inheritance tax pursuant to section 450.9
29 as joint tenants with right of survivorship.

30 Sec. 6. Section 633.575, Code 2013, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 7. If the court determines upon application
33 that it is appropriate or necessary, the court may order that
34 the attorney appointed pursuant to this section be given copies
35 of and access to the proposed ward's health information by

LSB 1114XC (7) 85

-4-

rh/rj

4/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 describing with reasonable specificity the health information
2 to be disclosed or accessed, for the purpose of fulfilling the
3 attorney's responsibilities pursuant to this section.

4 Sec. 7. Section 633A.4504, subsection 3, Code 2013, is
5 amended to read as follows:

6 3. Any claim for breach of trust against a trustee who
7 has presented an accounting or report to a beneficiary more
8 than one year prior to July 1, ~~2011~~ 2000, shall be time barred
9 unless some exception stated in this section applies which
10 tolls the statute. Any claim arising under this section within
11 one year of July 1, ~~2011~~ 2000, shall be time barred after one
12 year unless an exception applies to toll the statute.

13 Sec. 8. Section 635.1, Code 2013, is amended to read as
14 follows:

15 **635.1 When applicable.**

16 When the gross value of the probate assets of a decedent
17 subject to the jurisdiction of this state does not exceed one
18 hundred thousand dollars, and upon a petition as provided in
19 section 635.2 of an authorized petitioner in accordance with
20 ~~section~~ sections 633.227, and 633.228, or section 633.290,
21 subsection 1, paragraph "a" or "b", the clerk shall issue
22 letters of appointment for administration to the proposed
23 personal representative named in the petition, if qualified to
24 serve pursuant to section 633.63 or upon court order pursuant
25 to section 633.64. Unless otherwise provided in this chapter,
26 the provisions of chapter 633 apply to an estate probated
27 pursuant to this chapter.

28 **Sec. 9. APPLICABILITY.**

29 1. The sections of this Act amending sections 633.273A,
30 633.279, and 633.295 apply to estates of decedents dying on or
31 after July 1, 2013.

32 2. The sections of this Act amending sections 633.290 and
33 635.1 apply to petitions filed on or after July 1, 2013.

34 3. The section of this Act amending section 633.575 applies
35 to all judicial proceedings held on or after July 1, 2013, in

LSB 1114XC (7) 85

-5-

rh/rj

5/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 which an order for the appointment of a conservatorship is
2 sought or has been issued.
3 4. The section of this Act amending section 633A.4504
4 applies retroactively to all reports and accountings provided
5 by a trustee, unless an exception applies, to one year from
6 July 1, 2000.

7 EXPLANATION

8 PROBATE CODE.

9 DISPOSITION OF FAILED DEVISE. This bill creates new Code
10 section 633.273A. New subsection 1 codifies the common law
11 concept of lapse that applies in a situation where a devisee
12 (beneficiary) named in a will dies before the testator (person
13 who creates the will). In such a situation, the testator's
14 estate (property) passes to the testator's residuary estate
15 (any portion of the testator's estate not specifically devised
16 in a will). New subsection 2 reverses the common law doctrine
17 of "no residue of a residue" that addresses the situation
18 where a residuary (devisee) dies before the testator and the
19 testator's residuary estate passes as though the testator died
20 intestate (without a will). The bill provides that if the
21 residuary estate is devised to two or more devisees and one
22 devisee has died, then the entire residuary estate is passed to
23 the surviving residuary devisee or devisees. These provisions
24 apply except as provided in Code section 633.273 relating to
25 devises to certain relatives of the testator who survive the
26 testator (Iowa's anti-lapse statute) and unless the terms of
27 the will explicitly provide otherwise. This provision applies
28 to all decedents dying on or after July 1, 2013.

29 SELF-PROVING WILL AFFIDAVIT. The bill amends Code
30 section 633.279, subsection 2, relating to the execution of a
31 self-proving will which allows the testator and witnesses to
32 the will to submit a notarized affidavit. The bill amends the
33 language of the affidavit to make the language consistent with
34 the language of a formal will execution. A conforming change
35 is made to Code section 633.295 relating to the testimony of

LSB 1114XC (7) 85

-6-

rh/rj

6/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 witnesses to the will. The amendments apply to estates of
2 decedents dying on or after July 1, 2013.

3 PETITIONS FILED AFTER DEATH OF TESTATOR. Current Code
4 section 633.290 provides that after a testator (person who
5 executed a will) dies, any interested person may file a
6 petition with the court to admit the will to probate or to have
7 an executor appointed. The bill expands the scope of this
8 Code section to also allow any interested person to file a
9 petition with the court to request a hearing before the will
10 is admitted to probate or before an executor is appointed, and
11 for the production of the decedent's purported will. Petitions
12 for any of the reasons specified may be combined. The bill
13 makes a conforming change to Code section 635.1, relating to
14 the administration of small estates. These provisions apply to
15 petitions filed on or after July 1, 2013.

16 DISTRIBUTION OF PROPERTY BY AFFIDAVIT. The bill amends Code
17 section 633.356, subsection 3, relating to the distribution of
18 property by affidavit in certain situations where the gross
19 value of the decedent's personal property that would otherwise
20 be distributed does not exceed \$25,000. The bill adds the
21 words "that would otherwise be distributed by will or intestate
22 succession" consistent with changes made to this Code section
23 in 2010 Iowa Acts, chapter 1137 (HF 2483).

24 CONSERVATORSHIP PROCEEDINGS — APPOINTED ATTORNEY ACCESS
25 TO HEALTH INFORMATION. The bill provides that if the court
26 determines it would be in a ward's best interest to have legal
27 representation with respect to conservatorship proceedings, the
28 court may order that the attorney appointed be given copies
29 of and access to the proposed ward's health information by
30 describing with reasonable specificity the health information
31 to be disclosed or accessed, for the purpose of fulfilling the
32 attorney's responsibilities. This provision applies to all
33 judicial proceedings, in which an order for the appointment
34 of a conservatorship is sought or has been issued, held on or
35 after July 1, 2013.

LSB 1114XC (7) 85
rh/rj

7/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 TRUST CODE — LIMITATION OF ACTION AGAINST TRUSTEE. Current
2 law in Code section 633A.4504 bars a lawsuit against a trustee
3 for breach of trust unless the lawsuit is filed within one
4 year after the beneficiary's receipt of the final accounting
5 or report of the trustee. This law was enacted as a transition
6 provision barring claims against trustees who provided reports
7 to beneficiaries before the trust code was enacted in 2000 to
8 provide that the statute-of-limitation period was one year from
9 July 1, 2000. In 2012 Iowa Acts chapter 1123 (HF 609), the
10 year was amended to July 1, 2011. The bill amends this date
11 retroactively applicable to July 1, 2000.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate Study Bill 1215 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the sealing of juvenile delinquency records.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2466XC (1) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 Section 1. Section 232.150, subsection 1, paragraph a,
2 unnumbered paragraph 1, Code 2013, is amended to read as
3 follows:

4 ~~Upon application of~~ The court, on its own motion, shall
5 schedule a hearing to be held two years after the date of the
6 last official action, or the date the child becomes eighteen
7 years of age, whichever is later, in a case of a person who
8 was taken into custody for a delinquent act or was the subject
9 of a complaint alleging delinquency or was the subject of a
10 delinquency petition, ~~or upon the court's own motion, the~~
11 ~~court, after hearing, shall order~~ and order, if there is no
12 objection from the county attorney, the official juvenile court
13 records in the case including those specified in sections
14 232.147 and 232.149 sealed if the court finds all of the
15 following:

16 Sec. 2. Section 232.150, subsection 1, paragraph a,
17 subparagraph (1), Code 2013, is amended by striking the
18 subparagraph.

19 Sec. 3. Section 692.16, Code 2013, is amended to read as
20 follows:

21 **692.16 Review and removal.**

22 At least every year the division shall review and determine
23 the current status of all Iowa arrests or takings into custody
24 reported, which are at least four years old with no disposition
25 data.

26 1. Any Iowa arrest or taking of a juvenile into custody
27 of a person eighteen years of age or older recorded within
28 a computer data storage system which has no disposition
29 data after four years shall be removed unless there is an
30 outstanding arrest warrant or detainer on such charge.

31 2. Any arrest or taking of a juvenile into custody recorded
32 within a computer data storage system which has no disposition
33 data after two years shall be removed unless there is an
34 outstanding arrest warrant or detainer on such charge.

35 EXPLANATION

LSB 2466XC (1) 85

-1-

jm/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 This bill relates to the sealing of juvenile delinquency
2 records.

3 The bill provides that the court, on its own motion, shall
4 schedule a hearing two years after the date of the last
5 official action in a juvenile delinquency case, or after the
6 date the child becomes 18 years of age, whichever is later, and
7 order, if there is no objection from the county attorney, that
8 the delinquency records be sealed.

9 In order for juvenile records to be sealed, current
10 provisions and the bill require that the juvenile has not
11 committed any subsequent criminal violations greater than a
12 simple misdemeanor and that the juvenile has successfully
13 completed any youthful offender placement.

14 The bill also accelerates the removal of juvenile records
15 stored within the computer data storage system of the
16 department of public safety. The bill requires the department
17 of public safety to remove the records from the computer
18 data storage system of the department that relate to a
19 juvenile arrest or the taking of a juvenile into custody if
20 no disposition data has been recorded within two years of the
21 arrest or taking into custody, unless there is an outstanding
22 arrest warrant or detainer for the juvenile. Current law
23 requires the arrest or taking into custody information for a
24 juvenile information be removed from the computer data storage
25 system of the department of public safety if no disposition
26 data has been recorded within four years of the arrest or
27 taking into custody.

28 Code section 692.1 defines "disposition data" to mean
29 information pertaining to a recorded court proceeding
30 subsequent and incidental to a public offense arrest and
31 includes dismissal of the charge, suspension or deferral of
32 sentence.

LSB 2466XC (1) 85
jm/rj

2/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate Study Bill 1216 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to offers of suitable work made to certain
2 injured employees and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2479XC (3) 85
av/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 Section 1. Section 85.33, subsection 3, Code 2013, is
2 amended to read as follows:
3 3. a. If an employee is temporarily, partially disabled and
4 the employer for whom the employee was working at the time of
5 injury offers to the employee suitable work consistent with the
6 employee's disability, the employee shall accept the suitable
7 work, and be compensated with temporary partial benefits. If
8 the employee refuses to accept the suitable work with the same
9 employer, the employee shall not be compensated with temporary
10 partial, temporary total, or healing period benefits during the
11 period of the refusal. If suitable work is not offered by the
12 employer for whom the employee was working at the time of the
13 injury and the employee who is temporarily, partially disabled
14 elects to perform work with a different employer, the employee
15 shall be compensated with temporary partial benefits. For the
16 purposes of this subsection, work offered to an employee shall
17 be considered suitable work if the work offered meets all of
18 the following requirements:
19 (1) The work offered is reasonably appropriate for the
20 employee's education, training, and vocational experience.
21 (2) The work offered is consistent with the employee's
22 medical restrictions.
23 (3) The work offered does not require the employee to work a
24 substantially different schedule which unreasonably interferes
25 with the employee's customary activities in caring for a
26 dependent. For the purposes of this subsection, "dependent"
27 means a dependent as described in section 85.42 or 85.44.
28 (4) The work is not offered for the purpose of punishing or
29 harassing the employee.
30 (5) The work offered does not require the employee to accept
31 a permanent reassignment to a different job subsequent to the
32 period of temporary disability, provided that once the period
33 of temporary disability ends, this subsection shall not be
34 construed to limit the employer from reassigning the employee
35 to a job consistent with the employee's permanent medical

LSB 2479XC (3) 85
av/rj

1/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

- 1 restrictions, if any.
- 2 b. For the purposes of paragraph "c", "traveling employee"
3 means an employee whose regular job duties regularly require
4 the employee to be away from the employee's residence for
5 extended periods of time.
- 6 c. For the purposes of this subsection, work offered to a
7 traveling employee shall be considered suitable work if the
8 work offered meets the requirements contained in paragraph "a",
9 subject to the following additional requirements:
- 10 (1) The geographic location of the work offered to
11 the traveling employee shall be considered in making a
12 determination of whether the work offered is suitable work only
13 if the work offered does any of the following:
- 14 (a) Requires a commute or other travel beyond the physical
15 capacity of the employee.
- 16 (b) Requires the traveling employee to spend substantially
17 more time away from the employee's residence than the
18 employee's regular job duties.
- 19 (c) Interferes with the medical care of the traveling
20 employee for the work-related injury, including but not limited
21 to forcing a change in a health service provider or a delay in
22 medical care or treatment.
- 23 (2) If an employer offers suitable work to a traveling
24 employee that requires the employee to spend substantially more
25 time away from the employee's residence than the employee's
26 regular job duties, the employer shall notify the employee in
27 writing of the following:
- 28 (a) The nature of the job duties and physical requirements
29 of the work offered.
- 30 (b) The geographic location of the work offered, if the
31 location of the work offered will be substantially different
32 than the location of the traveling employee's regular job
33 duties.
- 34 (c) The possible suspension of temporary partial, temporary
35 total, or healing period benefits if the traveling employee



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 refuses the suitable work offered.

2 (d) The traveling employee's right to file a claim with the
3 workers' compensation commissioner.

4 (3) The employer shall deliver written notice of the
5 suitable work offered to the traveling employee, by mail, or by
6 personal or electronic delivery.

7 (4) Within seven days after the employer mails written
8 notice to the traveling employee of the suitable work
9 offered, or within three days after the employer personally
10 or electronically delivers written notice to the traveling
11 employee of the suitable work offered, whichever is earlier,
12 the employee shall either accept the offer of suitable work or
13 refuse the offer of suitable work, in written or electronic
14 form, stating the basis for the employee's refusal of the
15 suitable work offered, if applicable.

16 (5) If at any time the employer substantially alters the
17 job duties, physical requirements, or location of the suitable
18 work, the employer shall provide the traveling employee with
19 written notice of the proposed alterations and the employee
20 shall accept or refuse the alterations to the suitable work, in
21 written or electronic form, within three days after the notice
22 is delivered, stating the basis for the employee's refusal of
23 the alterations, if applicable.

24 (6) If the traveling employee believes that the suitable
25 work offered is not suitable under this subsection after
26 accepting and engaging in the work, the employee may refuse the
27 work as unsuitable. The employee's right to refuse the work
28 offered as unsuitable is not affected by the employee's initial
29 acceptance of and engagement in the work.

30 (7) If the employer makes an offer of suitable work pursuant
31 to this subsection that requires a traveling employee to
32 commute or travel further than the location of the employee's
33 regular job duties, the employer shall provide the employee
34 with reasonable transportation, overnight lodging, and meals,
35 or with prompt reimbursement for such reasonable travel

LSB 2479XC (3) 85

-3-

av/rj

3/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 expenses.

2 d. This subsection shall not be construed to create a new
3 legal claim or cause of action or to extinguish or modify any
4 existing legal claim or cause of action.

5 Sec. 2. APPLICABILITY. This Act applies to offers of
6 suitable work made pursuant to section 85.33, subsection 3, on
7 or after July 1, 2013.

8 EXPLANATION

9 This bill relates to offers of suitable work made by an
10 employer to an employee while the employee is temporarily,
11 partially disabled. The bill specifies what work is considered
12 suitable work for purposes of the statute such that an
13 employee's refusal to accept the work will result in suspension
14 of that employee's weekly workers' compensation benefits during
15 the period of the refusal.

16 The bill provides that in order to be considered suitable,
17 the work offered must be reasonably appropriate for the
18 employee's education, training, and vocational experience;
19 consistent with the employee's medical restrictions; not
20 require the employee to work a substantially different schedule
21 that unreasonably interferes with the care of dependents; not
22 be offered to punish or harass the employee; and not require
23 the employee to accept a permanent reassignment to a different
24 job subsequent to the period of temporary disability, unless
25 such reassignment is necessary due to the employee's permanent
26 medical restrictions.

27 The bill imposes additional requirements for determining
28 whether work offered to an injured traveling employee is
29 suitable. For purposes of the bill, a "traveling employee"
30 is an employee whose regular job duties regularly require the
31 employee to be away from the employee's residence for extended
32 periods of time.

33 For a traveling employee, the geographic location of the
34 work offered shall be considered only if the work requires a
35 commute or other travel beyond the physical capacity of the

LSB 2479XC (3) 85

-4-

av/rj

4/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 employee; requires the employee to spend substantially more
2 time away from the employee's residence than the employee's
3 regular job duties; or interferes with the employee's medical
4 care for the work-related injury including forcing a change
5 in a health service provider or a delay in medical care or
6 treatment.

7 If an employer offers suitable work to a traveling employee
8 that requires the employee to spend substantially more time
9 away from the employee's residence than the employee's regular
10 job duties, the employer must notify the employee in writing
11 of the nature of the job duties and physical requirements of
12 the work offered; the geographic location of the work, if the
13 location is substantially different than the location of the
14 employee's regular job duties; the possible suspension of
15 weekly workers' compensation benefits if the employee refuses
16 the suitable work offered; and the employee's right to file a
17 claim with the workers' compensation commissioner.

18 The employer must also deliver written notice of the
19 suitable work offered to a traveling employee by mail, or by
20 personal or electronic delivery. Within seven days after the
21 notice is mailed, or within three days after the notice is
22 delivered personally or electronically to the employee, the
23 employee must either accept or refuse the offer of suitable
24 work, in written or electronic form, including the basis for a
25 refusal, if applicable.

26 If the employer substantially alters the job duties,
27 physical requirements, or location of the suitable work, the
28 employer shall provide the traveling employee with written
29 notice of the proposed alterations and the employee must accept
30 or refuse the alterations, in written or electronic form,
31 within three days of delivery of the notice, including the
32 basis for a refusal, if applicable.

33 If the traveling employee believes that the work offered
34 is not suitable after accepting and engaging in the work, the
35 employee may refuse the work as unsuitable. The employee's

LSB 2479XC (3) 85

-5-

av/rj

5/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 right to refuse the work offered as unsuitable is not affected
2 by the employee's initial acceptance of and engagement in the
3 work.

4 If an employer makes an offer of suitable work that requires
5 a traveling employee to commute or travel further than the
6 location of the employee's regular job duties, the employer
7 must provide the employee with reasonable transportation,
8 overnight lodging, and meals, or with prompt reimbursement for
9 such reasonable travel expenses.

10 The provisions of the bill shall not be construed to create
11 a new legal claim or cause of action or to extinguish or modify
12 any existing legal claim or cause of action.

13 The bill is applicable to offers of suitable work made by an
14 employer on or after July 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate Study Bill 1217 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to the Iowa finance authority and making an
2 appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2116XC (3) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

DIVISION I

IOWA JOBS BOARD

1
2
3 Section 1. Section 12.87, subsection 12, Code 2013, is
4 amended to read as follows:

5 12. Neither the treasurer of state, the Iowa ~~jobs board~~
6 finance authority, nor any person acting on behalf of the
7 treasurer of state or the Iowa ~~jobs board~~ finance authority
8 while acting within the scope of their employment or agency, is
9 subject to personal liability resulting from carrying out the
10 powers and duties conferred by this section and sections 12.88
11 through 12.90.

12 Sec. 2. Section 16.193, subsection 1, Code 2013, is amended
13 to read as follows:

14 ~~1. The Iowa finance authority, subject to approval by the~~
15 ~~Iowa jobs board,~~ shall adopt administrative rules pursuant to
16 chapter 17A necessary to administer the Iowa jobs program and
17 Iowa jobs II program. The authority shall ~~provide the board~~
18 ~~with assistance in implementing administrative functions, be~~
19 responsible for providing technical assistance and application
20 assistance to applicants under the programs, negotiating
21 contracts, and providing project follow up. The authority, in
22 ~~cooperation with the board, may conduct negotiations on behalf~~
23 ~~of the board with applicants regarding terms and conditions~~
24 ~~applicable to awards under the program.~~

25 Sec. 3. Section 16.194, subsection 2, Code 2013, is amended
26 to read as follows:

27 2. A city or county or a public organization in this
28 state may submit an application to the Iowa ~~jobs board~~
29 authority for financial assistance for a local infrastructure
30 competitive grant for an eligible project under the program,
31 notwithstanding any limitation on the state's percentage in
32 funding as contained in section 29C.6, subsection 17.

33 Sec. 4. Section 16.194, subsection 4, unnumbered paragraph
34 1, Code 2013, is amended to read as follows:

35 The ~~board~~ authority shall consider the following criteria in

LSB 2116XC (3) 85

-1-

ec/nh

1/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 evaluating eligible projects to receive financial assistance
2 under the program:

3 Sec. 5. Section 16.194, subsection 7, Code 2013, is amended
4 to read as follows:

5 7. In order for a project to be eligible to receive
6 financial assistance from the ~~board~~ authority, the project
7 must be a public construction project pursuant to subsection 1
8 with a demonstrated substantial local, regional, or statewide
9 economic impact.

10 Sec. 6. Section 16.194, subsection 8, unnumbered paragraph
11 1, Code 2013, is amended to read as follows:

12 The ~~board~~ authority shall not approve an application for
13 assistance for any of the following purposes:

14 Sec. 7. Section 16.194, subsection 9, paragraph b, Code
15 2013, is amended to read as follows:

16 b. Any portion of an amount allocated for projects
17 that remains unexpended or unencumbered one year after the
18 allocation has been made may be reallocated to another project
19 category, at the discretion of the ~~board~~ authority. The ~~board~~
20 authority shall ensure that all bond proceeds be expended
21 within three years from when the allocation was initially made.

22 Sec. 8. Section 16.194, subsection 10, Code 2013, is amended
23 to read as follows:

24 10. The ~~board~~ authority shall ensure that funds obligated
25 under this section are coordinated with other federal program
26 funds received by the state, and that projects receiving funds
27 are located in geographically diverse areas of the state.

28 Sec. 9. Section 16.194A, subsections 2, 7, 9, and 10, Code
29 2013, are amended to read as follows:

30 2. A city or county in this state that applies the smart
31 planning principles and guidelines pursuant to sections 18B.1
32 and 18B.2 may submit an application to the ~~Iowa jobs board~~
33 authority for financial assistance for a local infrastructure
34 competitive grant for an eligible project under the program,
35 notwithstanding any limitation on the state's percentage in



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 funding as contained in section 29C.6, subsection 17.

2 7. In order for a project to be eligible to receive
3 financial assistance from the ~~board~~ authority, the project
4 must be a public construction project pursuant to subsection 1
5 with a demonstrated substantial local, regional, or statewide
6 economic impact.

7 9. Any portion of an amount allocated for projects
8 that remains unexpended or unencumbered one year after the
9 allocation has been made may be reallocated to another project
10 category, at the discretion of the ~~board~~ authority. The ~~board~~
11 authority shall ensure that all bond proceeds be expended
12 within three years from when the allocation was initially made.

13 10. The ~~board~~ authority shall ensure that funds obligated
14 under this section are coordinated with other federal program
15 funds received by the state, and that projects receiving funds
16 are located in geographically diverse areas of the state.

17 Sec. 10. Section 16.194A, subsection 4, unnumbered
18 paragraph 1, Code 2013, is amended to read as follows:

19 The ~~board~~ authority shall consider the following criteria in
20 evaluating eligible projects to receive financial assistance
21 under the program:

22 Sec. 11. Section 16.194A, subsection 8, unnumbered
23 paragraph 1, Code 2013, is amended to read as follows:

24 The ~~board~~ authority shall not approve an application for
25 assistance for any of the following purposes:

26 Sec. 12. Section 16.195, Code 2013, is amended to read as
27 follows:

28 **16.195 Iowa jobs program application review.**

29 1. Applications for assistance under the Iowa jobs program
30 and Iowa jobs II program shall be submitted to the Iowa finance
31 authority for review and approval. ~~The authority shall provide~~
32 ~~a staff review and evaluation of applications to the Iowa jobs~~
33 ~~program review committee referred to in subsection 2 and to the~~
34 ~~Iowa jobs board.~~

35 2. ~~A review committee composed of members of the board~~

LSB 2116XC (3) 85
ec/nh

3/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 ~~as determined by the board shall review Iowa jobs program~~
2 ~~applications submitted to the board and make recommendations~~
3 ~~regarding the applications to the board.~~ When reviewing the
4 applications, the ~~review committee and the~~ authority shall
5 consider the project criteria specified in sections 16.194 and
6 16.194A. The ~~board~~ authority shall develop the appropriate
7 level of transparency regarding project fund allocations.

8 3. Upon approval of an application for financial assistance
9 under the program, the ~~board~~ authority shall notify the
10 treasurer of state regarding the amount of moneys needed to
11 satisfy the award of financial assistance and the terms of the
12 award. The treasurer of state shall notify the ~~Iowa finance~~
13 authority any time moneys are disbursed to a recipient of
14 financial assistance under the program.

15 Sec. 13. Section 16.196, Code 2013, is amended to read as
16 follows:

17 16.196 Iowa jobs ~~restricted capitals fund~~ — fund
18 appropriations.

19 1. ~~An Iowa jobs restricted capitals fund is created and~~
20 ~~established as a separate and distinct fund in the state~~
21 ~~treasury. The fund consists of moneys appropriated from~~
22 ~~the revenue bonds capitals fund created in section 12.88.~~
23 ~~The moneys in the fund are appropriated to the Iowa jobs~~
24 ~~board for purposes of the Iowa jobs program established in~~
25 ~~section 16.194. Moneys in the fund shall not be subject to~~
26 ~~appropriation for any other purpose by the general assembly,~~
27 ~~but shall be used only for the purposes of the Iowa jobs~~
28 ~~program. The treasurer of state shall act as custodian of the~~
29 ~~fund and disburse moneys contained in the fund. The fund shall~~
30 ~~be administered by the board which shall make allocations from~~
31 ~~the fund consistent with the purposes of the Iowa jobs program.~~

32 2. 1. There is appropriated from the revenue bonds capitals
33 fund created in section 12.88, to the ~~Iowa jobs restricted~~
34 ~~capitals fund~~ authority, for the fiscal year beginning July 1,
35 2009, and ending June 30, 2010, one hundred sixty-five million



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 dollars to be allocated as follows:

2 *a.* One hundred eighteen million five hundred thousand
3 dollars for competitive grants for local infrastructure
4 projects relating to disaster rebuilding, reconstruction
5 and replacement of local buildings, flood control and flood
6 protection, and future flood prevention public projects. An
7 applicant for a local infrastructure grant shall not receive
8 more than fifty million dollars in financial assistance from
9 the fund.

10 *b.* Forty-six million five hundred thousand dollars for
11 disaster relief and mitigation and local infrastructure
12 grants for the following renovation and construction projects,
13 notwithstanding any limitation on the state's percentage
14 participation in funding as contained in section 29C.6,
15 subsection 17:

16 (1) For grants to a county with a population between
17 one hundred eighty-nine thousand and one hundred ninety-six
18 thousand in the latest preceding certified federal census, to
19 be distributed as follows:

20 (a) Ten million dollars for the construction of a new,
21 shared facility between nonprofit human service organizations
22 serving the public, especially the needs of low-income Iowans,
23 including those displaced as a result of the disaster of 2008.

24 (b) Five million dollars for the construction or renovation
25 of a facility for a county-funded workshop program serving
26 the public and particularly persons with mental illness or
27 developmental disabilities.

28 (2) For grants to a city with a population between one
29 hundred ten thousand and one hundred twenty thousand in the
30 latest preceding certified federal census, to be distributed
31 as follows:

32 (a) Five million dollars for an economic redevelopment
33 project benefiting the public by improving energy efficiency
34 and the development of alternative and renewable energy
35 technologies.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 (b) Ten million dollars for a museum serving the public and
2 dedicated to the preservation of an eastern European cultural
3 heritage through the collection, exhibition, preservation, and
4 interpretation of historical artifacts.

5 (c) Five million dollars for a theater serving the public
6 and promoting culture, entertainment, and tourism.

7 (d) Five million dollars for a public library.

8 (e) Five million dollars for a public works building.

9 (3) One million five hundred thousand dollars, to be
10 distributed as follows:

11 (a) Five hundred thousand dollars to a city with a
12 population between six hundred and six hundred fifty in the
13 latest preceding certified federal census, for a public fire
14 station.

15 (b) Five hundred thousand dollars to a city with a
16 population between one thousand four hundred and one thousand
17 five hundred in the latest preceding certified federal census,
18 for a public fire station.

19 (c) Five hundred thousand dollars for a city with a
20 population between seven thousand eight hundred and seven
21 thousand eight hundred fifty, for a public fire station.

22 ~~3-~~ 2. Grant awards for a project under subsection 2 1,
23 paragraph "b", are contingent upon submission of a plan for each
24 project by the applicable county or city governing board or in
25 the case of a project submitted pursuant to subsection 2 1,
26 paragraph "b", subparagraph (2), subparagraph division (b), by
27 the board of directors, to the ~~Iowa jobs board~~ authority, no
28 later than September 1, 2009, detailing a description of the
29 project, the plan to rebuild, and the amount or percentage of
30 federal, state, local, or private matching moneys which will
31 be or have been provided for the project. Funds not utilized
32 in accordance with subsection 2, paragraph "b", ~~due to failure~~
33 ~~to file a plan by the September 1 deadline 1~~, shall revert to
34 the ~~Iowa jobs restricted~~ revenue bonds capitals fund ~~to be~~
35 ~~available for local infrastructure competitive grants.~~ A grant

LSB 2116XC (3) 85

-6-

ec/nh

6/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 recipient under subsection 2 1, paragraph "b", shall not be
2 precluded from applying for a local infrastructure competitive
3 grant pursuant to this section and section 16.195.

4 ~~4. Moneys in the fund are not subject to section 8.33.~~
5 ~~Notwithstanding section 12C.7, subsection 2, interest or~~
6 ~~earnings on moneys in the fund shall be credited to the fund.~~

7 ~~5.~~ 3. Annually, on or before January 15 of each year, the
8 ~~board~~ authority shall report to the legislative services agency
9 and the department of management the status of all projects
10 receiving moneys from the fund completed or in progress. The
11 report shall include a description of the project, the progress
12 of work completed, the total estimated cost of the project, a
13 list of all revenue sources being used to fund the project, the
14 amount of funds expended, the amount of funds obligated, and
15 the date the project was completed or an estimated completion
16 date of the project, where applicable.

17 ~~6.~~ 4. Payment of moneys appropriated from the fund shall be
18 made in a manner that does not adversely affect the tax-exempt
19 status of any outstanding bonds issued by the treasurer of
20 state.

21 Sec. 14. Section 16.197, Code 2013, is amended to read as
22 follows:

23 **16.197 Limitation of liability.**

24 ~~A member of the Iowa jobs board, a person acting on behalf of~~
25 ~~the board while acting within the scope of their employment or~~
26 ~~agency, The authority~~ or the treasurer of state, shall not be
27 subject to personal liability resulting from carrying out the
28 powers and duties of the ~~board~~ authority or the treasurer, as
29 applicable, in sections ~~16.192~~ 16.193 through 16.196.

30 Sec. 15. IOWA JOBS BOARD — TRANSITION PROVISIONS —
31 LIMITATION OF LIABILITY.

32 1. Any contract or agreement issued or entered into by the
33 Iowa jobs board relating to the provisions of this division
34 of this Act, in effect on the effective date of this division
35 of this Act, shall continue in full force and effect and



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 any responsibility of the board relative to the contracts or
2 agreements as provided in those contracts or agreements shall
3 be transferred to the Iowa finance authority.

4 2. A member of the Iowa jobs board or a person acting on
5 behalf of the board while acting within the scope of that
6 person's employment or agency shall not be subject to personal
7 liability resulting from carrying out the powers and duties
8 of the board prior to the effective date of this division of
9 this Act, as applicable, in sections 12.87 through 12.90 and in
10 sections 16.192 through 16.196, Code 2013.

11 Sec. 16. REPEAL. Sections 16.191 and 16.192, Code 2013,
12 are repealed.

13 DIVISION II

14 TITLE GUARANTY

15 Sec. 17. Section 16.1, subsection 1, paragraph ad,
16 subparagraph (7), Code 2013, is amended to read as follows:

17 (7) The Iowa title guaranty program.

18 Sec. 18. Section 16.2A, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. A title guaranty division is created within the
21 authority. The division may also be referred to as Iowa title
22 guaranty. The powers of the division relating to the issuance
23 of title guaranties are vested in and shall be exercised by
24 a division board of five members appointed by the governor
25 subject to confirmation by the senate. The membership of
26 the board shall include an attorney, an abstractor, a real
27 estate broker, a representative of a mortgage lender, and
28 a representative of the housing development industry. The
29 executive director of the authority shall appoint an attorney
30 as director of the title guaranty division, who shall serve
31 as an ex officio member of the board. The appointment of and
32 compensation for the division director are exempt from the
33 merit system provisions of chapter 8A, subchapter IV.

34 Sec. 19. Section 16.91, subsections 1, 3, and 4, Code 2013,
35 are amended to read as follows:

LSB 2116XC (3) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 1. The authority through the title guaranty division shall
2 initiate and operate a program in which the division shall
3 offer guaranties of real property titles in this state. The
4 terms, conditions, and form of the guaranty contract shall be
5 forms approved by the division board. The division shall fix
6 a charge for the guaranty in an amount sufficient to permit
7 the program to operate on a self-sustaining basis, including
8 payment of administrative costs and the maintenance of an
9 adequate reserve against claims under the Iowa title guaranty
10 program. A title guaranty fund is created in the office of
11 the treasurer of state. Funds collected under this program
12 shall be placed in the title guaranty fund and are available
13 to pay all claims, necessary reserves and all administrative
14 costs of the Iowa title guaranty program. Moneys in the fund
15 shall not revert to the general fund and interest on the
16 moneys in the fund shall be deposited in the housing trust
17 fund established in section 16.181 and shall not accrue to the
18 general fund. If the authority board in consultation with the
19 division board determines that there are surplus funds in the
20 title guaranty fund after providing for adequate reserves and
21 operating expenses of the division, the surplus funds shall be
22 transferred to the housing assistance fund created pursuant to
23 section 16.40.

24 3. With the approval of the authority board the division
25 and its board shall consult with the insurance division of
26 the department of commerce in developing a guaranty contract
27 acceptable to the secondary market and developing any other
28 feature of the program with which the insurance division may
29 have special expertise. The insurance division shall establish
30 the amount for a loss reserve fund. Except as provided in this
31 subsection, the Iowa title guaranty program is not subject to
32 the jurisdiction of or regulation by the insurance division or
33 the commissioner of insurance.

34 4. Each participating attorney and abstractor may be
35 required to pay an annual participation fee to be eligible to



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 participate in the Iowa title guaranty program. The fee, if
2 any, shall be set by the division, subject to the approval of
3 the authority.

4 Sec. 20. Section 16.91, subsection 5, paragraph a,
5 subparagraph (2), Code 2013, is amended to read as follows:

6 (2) Additionally, each participating abstractor is required
7 to own or lease, and maintain and use in the preparation of
8 abstracts, an up-to-date abstract title plant including tract
9 indices for real estate for each county in which abstracts are
10 prepared for real property titles guaranteed by the division.
11 The tract indices shall contain a reference to all instruments
12 affecting the real estate which are recorded in the office of
13 the county recorder, and shall commence not less than forty
14 years prior to the date the abstractor commences participation
15 in the Iowa title guaranty program. However, a participating
16 attorney providing abstract services continuously from November
17 12, 1986, to the date of application, either personally or
18 through persons under the attorney's supervision and control is
19 exempt from the requirements of this subparagraph.

20 Sec. 21. Section 16.91, subsection 8, Code 2013, is amended
21 to read as follows:

22 8. The authority shall adopt rules pursuant to chapter 17A
23 that are necessary for the implementation of the Iowa title
24 guaranty program as established by the division and that have
25 been approved by the authority.

26 Sec. 22. Section 16.92, subsection 1, paragraph g, Code
27 2013, is amended to read as follows:

28 *g. "Participating abstractor" means an abstractor*
29 *participating in the Iowa title guaranty program.*

30 Sec. 23. Section 447.13, subsection 1, Code 2013, is amended
31 to read as follows:

32 1. The cost of serving the notice, including the cost of
33 sending certified mail notices, and the cost of publication
34 under section 447.10, if publication is required, shall be
35 added to the amount necessary to redeem. The cost of a record

LSB 2116XC (3) 85

-10-

ec/nh

10/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 search shall also be added to the amount necessary to redeem.
2 However, if the certificate holder is other than a county, the
3 search must be performed by an abstractor who is an active
4 participant in the Iowa title guaranty program under section
5 16.91 or by an attorney licensed to practice law in the state
6 of Iowa, and the amount of the cost of the record search that
7 may be added to the amount necessary to redeem shall not exceed
8 three hundred dollars.

9

DIVISION III

10

IOWA FINANCE AUTHORITY

11 Sec. 24. Section 7C.4A, subsection 5, Code 2013, is amended
12 to read as follows:

13 5. Eighteen percent of the state ceiling shall be allocated
14 to bonds issued by political subdivisions to finance a
15 qualified industry or industries for the manufacturing,
16 processing, or assembly of agricultural or manufactured
17 products even though the processed products may require further
18 treatment before delivery to the ultimate consumer. ~~A single~~
19 ~~project allocated a portion of the state ceiling pursuant to~~
20 ~~this subsection shall not receive an allocation in excess of~~
21 ~~ten million dollars in any calendar year.~~

22 Sec. 25. Section 16.1, subsection 1, paragraph ae,
23 subparagraph (1), Code 2013, is amended to read as follows:

24 (1) Real or personal property connected with a facility to
25 be acquired, constructed, financed, refinanced, improved, or
26 equipped pursuant to one or more of the programs, including any
27 such property located outside of the state if the authority
28 has conclusively determined that the entity financing or
29 refinancing property located outside the state, or an affiliate
30 thereof, is also engaged in the financing or refinancing of
31 property located within the state, or, alternatively, the
32 entity seeking the financing or refinancing, or an affiliate
33 thereof, maintains a presence within the state, and financing
34 or refinancing the property located outside the state would
35 promote the economy of the state for the benefit of the health,

LSB 2116XC (3) 85

-11-

ec/nh

11/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 welfare, safety, trade, commerce, industry, or economy of the
2 people of the state.

3 Sec. 26. Section 16.3, subsection 2, Code 2013, is amended
4 to read as follows:

5 2. The authority will be performing an essential
6 governmental function in the exercise of the powers and
7 duties conferred upon it by this chapter, and shall have broad
8 discretion in interpreting the provisions of this chapter.

9 Sec. 27. Section 16.5, subsection 1, unnumbered paragraph
10 1, Code 2013, is amended to read as follows:

11 The Notwithstanding any provision of law to the contrary,
12 the authority has any and all powers necessary and convenient
13 to carry out its purposes and duties, and exercise its specific
14 powers, including but not limited to the power to:

15 Sec. 28. Section 16.5, subsection 1, paragraph a, Code 2013,
16 is amended to read as follows:

17 a. Issue its negotiable bonds and notes as provided in
18 this chapter in order to finance its programs. In addition,
19 the authority may issue bonds, notes, or other obligations for
20 public or private entities for the purpose of financing any
21 project regardless of location.

22 Sec. 29. Section 16.5, subsection 1, paragraph o, Code 2013,
23 is amended to read as follows:

24 o. Contract directly with architects, engineers, attorneys,
25 accountants, housing construction and finance experts,
26 and other advisors. However, the authority may enter into
27 contracts or agreements for such services with local, state, or
28 federal governmental agencies.

29 Sec. 30. Section 16.5, subsection 1, paragraph r, Code 2013,
30 is amended to read as follows:

31 r. Make, alter, and repeal rules consistent with the
32 provisions of this chapter, and subject to chapter 17A,
33 including rules relating to Iowa finance authority programs.

34 Sec. 31. Section 16.5, subsection 1, Code 2013, is amended
35 by adding the following new paragraph:

LSB 2116XC (3) 85

-12-

ec/nh

12/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 NEW PARAGRAPH. *Ou.* Interpret, construe, and execute the
2 laws, rules, and regulations of this state relating to Iowa
3 finance authority programs.

4 Sec. 32. Section 16.26, Code 2013, is amended by adding the
5 following new subsections:

6 NEW SUBSECTION. 10. In connection with any financing
7 which involves an out-of-state issuer issuing bonds, notes, or
8 other obligations for facilities located in the state, the
9 authority is designated as the only governmental unit in the
10 state that may conduct the public hearing required by section
11 147(f) of the federal Internal Revenue Code, as defined in
12 section 422.3, and the governor of Iowa is designated as the
13 applicable elected representative pursuant to section 147(f) of
14 the federal Internal Revenue Code, as defined in section 422.3.

15 NEW SUBSECTION. 11. All bonds or notes issued by the
16 authority in connection with its single family and multifamily
17 programs are exempt from taxation by this state, and the
18 interest on the bonds or notes is exempt from state income tax.

19 Sec. 33. NEW SECTION. 16.182A **Special projects revolving**
20 **loan program fund.**

21 1. A special projects revolving loan program fund is
22 created within the authority to further the goal of the senior
23 living program as specified in section 249H.2, further the
24 objectives specified in section 231.3, and adult day services,
25 respite services, congregate meals, health and wellness,
26 health screening, and nutritional assessments, and further
27 the availability of affordable housing for parents that are
28 reuniting with their children while completing or participating
29 in substance abuse treatment.

30 2. The moneys in the special projects revolving loan program
31 fund are appropriated to and shall be used by the authority for
32 the development and operation of a revolving loan program to
33 provide financing for all of the following:

34 *a.* To construct affordable assisted living and
35 service-enriched affordable housing for seniors and persons

LSB 2116XC (3) 85

ec/nh

13/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 with disabilities, including through new construction or
2 acquisition and rehabilitation.

3 *b.* To develop and expand facilities and infrastructure
4 that provide adult day services, respite services, congregate
5 meals, and programming space for health and wellness, health
6 screening, and nutritional assessments that address the needs
7 of persons with low incomes.

8 *c.* To construct affordable transitional housing, including
9 through new construction or acquisition and rehabilitation of
10 existing housing. The transitional housing provided shall be
11 geographically located in close proximity to licensed substance
12 abuse treatment programs.

13 3. The authority shall annually allocate moneys available
14 in the fund to approved applicants.

15 4. Additionally, payments of interest, recaptures of
16 awards, and other repayments shall be deposited in the fund.
17 Notwithstanding section 12C.7, subsection 2, interest or
18 earnings on moneys in the special projects revolving loan
19 program fund shall be credited to the fund. Notwithstanding
20 section 8.33, moneys that remain unencumbered or unobligated
21 at the end of the fiscal year shall not revert but shall remain
22 available for the same purpose in the succeeding fiscal year.

23 5. Loans awarded shall be awarded to applicants in the order
24 received.

25 6. The authority shall adopt rules pursuant to chapter 17A
26 to administer this section.

27 Sec. 34. REPEAL. Sections 16.182, 16.183, and 16.184, Code
28 2013, are repealed.

29 Sec. 35. TRANSITION PROVISIONS — CONSOLIDATION OF
30 FUNDS. Any moneys remaining in the senior living revolving
31 loan program fund, home and community-based services revolving
32 loan program fund, and the transitional housing revolving
33 loan program fund on the effective date of this Act shall be
34 transferred to the special projects revolving loan program fund
35 as enacted in this Act.

LSB 2116XC (3) 85
ec/nh

14/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

EXPLANATION

1
2 This bill concerns the Iowa finance authority.
3 Division I eliminates the Iowa jobs board and provides that
4 any duties or responsibilities of the Iowa jobs board shall
5 become the responsibility of the Iowa finance authority. The
6 division also provides transition provisions relative to any
7 contracts or agreements entered into by the Iowa jobs board and
8 provides for a limitation of personal liability for actions by
9 a member or agent of the board taken prior to the effective
10 date of the division relative to the duties of the board.
11 Division II renames the title guaranty program as the
12 Iowa title guaranty program. The bill also allows the title
13 guaranty division to be referred to as Iowa title guaranty.
14 Division III concerns bond activity and the Iowa finance
15 authority.
16 Code section 7C.4A(5), concerning the allocation of
17 the state ceiling on bonds to bonds issued by a political
18 subdivision, is amended to strike the provision limiting any
19 one project from receiving more than \$10 million of private
20 activity bonds.
21 Code section 16.1(1)(ae), defining "project" for purposes
22 of the Iowa finance authority programs, is amended to include
23 projects for property located outside of the state if the
24 entity seeking the financing of the project has some connection
25 to the state and the project will benefit the state.
26 Code section 16.3, concerning legislative findings relative
27 to the Iowa finance authority, is amended to provide that
28 the Iowa finance authority shall have broad discretion in
29 interpreting the provisions of the Code chapter governing the
30 Iowa finance authority.
31 Code section 16.5, describing the general powers of the Iowa
32 finance authority, is amended. The bill provides that the Iowa
33 finance authority shall have the powers delineated in this Code
34 section notwithstanding any provision of law to the contrary.
35 The bill grants the power to the authority to contract directly

LSB 2116XC (3) 85
ec/nh

15/16



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 with architects, engineers, attorneys, and other advisors.
2 The Code section is also amended to provide that the Iowa
3 finance authority can issue bonds, notes, or other obligations
4 for public or private entities for the purpose of financing
5 any project regardless of location, to make, alter, and
6 repeal rules relating to Iowa finance authority programs,
7 and to interpret, construe, and execute the laws, rules, and
8 regulations of this state relating to Iowa finance authority
9 programs.

10 Code section 16.26, concerning bonds and notes, is amended.
11 The bill provides that for certain bonds, notes, or other
12 obligations, the authority is designated as the governmental
13 unit that may conduct the public hearing required by the
14 federal Internal Revenue Code and the governor of Iowa is
15 designated as the applicable elected representative pursuant to
16 the Internal Revenue Code. In addition, the bill allows for
17 bonds issued for the single family and multifamily programs to
18 be exempt from state income tax.

19 New Code section 16.182A creates the special projects
20 revolving loan program fund to further the goal of the senior
21 living program as specified in Code section 249H.2, to further
22 the objectives specified in Code section 231.3, and adult
23 day services, respite services, congregate meals, health and
24 wellness, health screening, and nutritional assessments, and
25 further the availability of affordable housing for parents
26 that are reuniting with their children while completing or
27 participating in substance abuse treatment. Moneys in the fund
28 are appropriated to the authority to be used for such purposes.
29 Moneys in the senior living revolving loan program fund, home
30 and community-based services revolving loan program fund,
31 and the transitional housing revolving loan program fund are
32 transferred to the special projects revolving loan program fund
33 and those funds are repealed.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate Study Bill 1218 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act concerning the allocation of adjusted gross receipts
2 from gambling games at certain licensed gambling facilities
3 for horse purses.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2464XC (3) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 Section 1. Section 99F.6, subsection 4, paragraph a,
2 subparagraph (3), Code 2013, is amended to read as follows:
3 (3) (a) The commission shall authorize, subject to the
4 debt payments for horse racetracks and the provisions of
5 paragraph "b" for dog racetracks, a licensee who is also
6 licensed to conduct pari-mutuel dog or horse racing to use
7 receipts from gambling games within the racetrack enclosure to
8 supplement purses for races particularly for Iowa-bred horses
9 pursuant to an agreement which shall be negotiated between the
10 licensee and representatives of the dog or horse owners. For
11 agreements subject to commission approval concerning purses
12 for horse racing beginning on or after January 1, 2006, the
13 agreements shall provide that total annual purses for all horse
14 racing shall be no less than eleven percent of the first two
15 hundred million dollars of net receipts, and six percent of
16 net receipts above two hundred million dollars. In addition,
17 live standardbred horse racing shall not be conducted at the
18 horse racetrack in Polk county, but the purse moneys designated
19 for standardbred racing pursuant to section 99D.7, subsection
20 5, paragraph "b", shall be included in calculating the total
21 annual purses required to be paid pursuant to this subsection.
22 Agreements that are subject to commission approval concerning
23 horse purses for a period of time beginning on or after January
24 1, 2006, shall be jointly submitted to the commission for
25 approval.
26 (b) The commission shall require a licensee of a facility
27 that does not conduct pari-mutuel horse racing and is located
28 in Polk county or a county contiguous to Polk county to
29 distribute to the licensee who is also licensed to conduct
30 pari-mutuel horse racing an amount equal to that percentage of
31 the annual adjusted gross receipts from all gambling games at
32 that facility for the licensee that is equal to the percentage
33 of net receipts distributed by the licensee who is licensed to
34 conduct pari-mutuel horse racing for horse purses as negotiated
35 pursuant to subparagraph division (a). Receipts distributed



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 to the licensee who is also licensed to conduct pari-mutuel
2 horse racing shall be used to supplement horse purses pursuant
3 to section 99D.7, subsection 5.

4 EXPLANATION

5 This bill concerns the allocation of certain gambling game
6 receipts from a nonhorse racing facility for horse purses.

7 Code section 99F.6 is amended to require the allocation of
8 certain gambling game receipts of a licensee at a facility
9 that does not conduct pari-mutuel horse racing but is located
10 in Polk county or a county contiguous to Polk county. The
11 bill requires that the nonhorse racing facility distribute
12 to the licensee who conducts pari-mutuel horse racing an
13 amount equal to that percentage of the annual adjusted gross
14 receipts from all gambling games at that facility that is equal
15 to the negotiated percentage of net receipts distributed by
16 the licensee who conducts pari-mutuel horse racing for horse
17 purses. The bill provides that the receipts distributed as
18 provided in the bill shall be used to supplement horse purses
19 pursuant to the distribution formula established in Code
20 section 99D.7(5).



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

Senate Study Bill 1219 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act relating to certain title abstracts to property with
2 private sewage disposal systems and providing effective date
3 and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2227SC (3) 85
tm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2013

S.F. _____

1 Section 1. 2010 Iowa Acts, chapter 1120, is amended by
2 adding the following new section:

3 NEW SECTION. SEC. 8. RETROACTIVE APPLICABILITY. The
4 following provision or provisions of this Act apply
5 retroactively to July 1, 2009:

6 1. The portion of the section of this Act amending section
7 455B.172, subsection 11, paragraph "i".

8 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
9 immediate importance, takes effect upon enactment.

10 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
11 retroactively to July 1, 2010.

12 EXPLANATION

13 This bill relates to certain abstracts to property with
14 private sewage disposal systems.

15 Pursuant to 2008 Iowa Acts, chapter 1033, beginning July
16 1, 2009, certain title transfers required an inspection of
17 any private sewage disposal system located on the property.
18 Title abstracts to such property were required to include
19 documentation of the inspection. Pursuant to 2010 Iowa Acts,
20 chapter 1120, the title abstract requirement was eliminated.

21 The bill adds a retroactive applicability provision to 2010
22 Iowa Acts, chapter 1120, making the elimination of the title
23 abstract requirement retroactively applicable to July 1, 2009,
24 which is the original enactment date of the title abstract
25 requirement.

26 The bill takes effect upon enactment and applies
27 retroactively to July 1, 2010.